Collier's

15c

December 9, 1950

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RACKET ALLEY
A New Novel of
The Underworld
By W. R. BURNETT

The 61st All-Americ

Dec. 9, 1950

Matchless

SHEAFFER'S
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America's First Choice

Sheaffer's! The very name expresses quality, luxury, the satisfaction of giving—and owning—the finest. No other gives so much in pride, performance . . . and downright pleasure.

SHEAFFER'S SENTINEL (Illustrated) Pen, $15.00; Pencil, $5.00; Stratowriter Ballpoint, $10.00. Beautifully boxed in two or three piece sets. Other Sheaffer's from $3.75 to $2,000.00.

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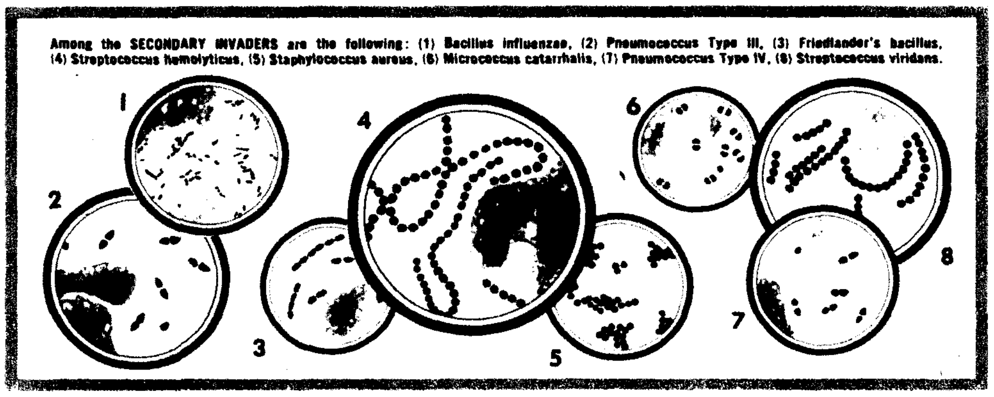
W. A. SHEAFFER PEN COMPANY, FORT MADISON, IOWA, U.S.A.
IN CANADA: MALTON, ONTARIO

How COLDS and SORE THROATS start

YOU'RE IN A DRAFT . . . The uneven temperature may lower your resistance to germs so that . . .



Among the SECONDARY INVADERS are the following: (1) Bacillus influenzae, (2) Pneumococcus Type III, (3) Friedlander's bacillus, (4) Streptococcus hemolyticus, (5) Staphylococcus aureus, (6) Micrococcus catarrhalis, (7) Pneumococcus Type IV, (8) Streptococcus viridans.

THESE THROAT GERMS INVADE THE TISSUE . . . They are among the Secondary Invaders that cause so much of a cold's misery when they stage a mass invasion of the tissue. It's wise to attack them before they attack you . . . to help forestall such an invasion.

YOU START SNEEZING . . . That may be a sign that germs are at work and that you'd better do something about it.

Fight them a safe, direct way with Listerine Antiseptic

WHATEVER ELSE YOU DO make the Listerine Antiseptic gargle a "must" at the first sign of a cough, sneeze or sniffle.

Taken early and often, Listerine Antiseptic can help ward off colds and sore throats due to colds, or lessen their severity once started.

You see, Listerine Antiseptic treats the infection as an infection should be treated—with germ-killing action—directly and safely.

Kills Threatening Germs

Listerine Antiseptic reaches way back on throat surfaces to kill germs called Secondary Invaders . . . often keeps them from getting into the tissue to produce the misery you associate with a cold.

Tests showed that a Listerine Antiseptic gargle reduced germs as much as 96.7% even fifteen minutes after use . . . up to 80% even one hour after.

Fewer Colds In Tests

Furthermore, research made over 12 years showed that those who gargled Listerine Antiseptic twice a day had fewer colds and generally milder ones than those who did not gargle.

So, at the first sign of a sniffle, use Listerine Antiseptic—Quick! It's safe . . . no drowsiness—none of the undesirable side-effects of some so-called miracle drugs.

LAMBERT PHARMACAL CO., *St. Louis, Mo.*

Vitalis
"LIVE-ACTION*" care
gives you
Handsomer Hair!

FEEL the difference
in your scalp—**SEE** the difference
in your hair!

What a wonderful wake-up glow in your scalp—when you use *"Live-Action"* Vitalis and the famous "60-Second Workout!"

50 seconds' massage with *active* Vitalis (1) stimulates the scalp (2) prevents dryness (3) routs flaky dandruff (4) helps check excessive falling hair. Then 10 seconds to comb . . . and your hair is neater, handsomer—set to stay that way all day! Natural looking—never "slicked down." Vitalis contains no greasy liquid petrolatum—just pure, natural vegetable oil.

For a scalp that *feels* its best and hair that *looks* its best, get "Live-Action" Vitalis at any drug counter or barber shop.

• Many skin specialists prescribe two of Vitalis' basic ingredients for dry, flaky scalp.

A Product of Bristol-Myers

***Vitalis**
and the
"60-Second Workout"

NEW! *for cream tonic fans... lighter-bodied*
VITALIS HAIR CREAM
gives your hair that
CLEAN-GROOMED LOOK
NO heavy film! **NO** sticky comb!
NO messy hands!

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December 9, 1950

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Publishers of Collier's, The American Magazine, Woman's Home Companion

The Cover

Miss Charlotte Houston was chosen from a group of University of California coeds, by the staff of the Daily Californian, to be the second Campus Queen in Collier's cover series. A native of Berkeley, "Char" is twenty-one, a senior, an Alpha Chi Omega and a member of the Prytanean Women's Honorary Society—which means she is prominent in campus activities and maintains a high scholastic average. California kids will be delighted to know Miss Houston is working to be an elementary-school teacher.

Week's Mail

Communism's House Organ

Editor: "The initial cable bulletin announcing the invasion of South Korea by the Reds arrived in U.S. newspaper offices Sunday afternoon, June 25th." From Pravda, U.S.A. (Oct. 21st).

Not keerect!

The invasion story was well in hand in U.S. newspaper offices by midevening Saturday, June 24th, and only the earliest editions of Sunday-morning newspapers had gone to press before the invasion bulletins arrived.

Accurate reporting is of top importance, of course, but that isn't my point. By misstating the time, reporter Woltman's otherwise excellent article makes the editors of the Communist Daily Worker look too good, journalistically.

For he notes in the same paragraph quoted above that the Daily Worker of Monday, June 26th, started publishing a series on Korean politics. That would have been a pretty fair feat of newspapering if the fighting story *had* broken Sunday afternoon. But the accomplishment pales when one considers that the DW editors had from Saturday evening to press time Monday to get the series rolling.

Forrest B. Jenstad,
Assistant News Editor, The Minneapolis Tribune, Minneapolis, Minn.

. . . Hey! I thought one of the main objections to the American Communist party was they took their orders direct from Moscow via a secret pipe line.

Yet your article on the Daily Worker alleges that they are utterly in the dark as to what Joe will do next.

In fact you say they're obliged to read the N.Y. Times—does this mean I should stop reading the Times?

Sam Bishop, Denver, Colo.

The Daily Worker is kept informed of trends and general policies of international Communism. But Moscow is not so indiscreet as to maintain direct and open communication with the American party, which for years has denied taking orders from Russia. Thus such high policy matters as the Korean invasion must be picked up from other sources. For further details of the Daily Worker operation we suggest that Mr. Bishop consult the writings of Louis Budenz, the paper's former managing editor.

. . . Alabama is very grateful for that part of the informative article, Pravda, U.S.A., which highlights: "The annual deficit (of the Daily Worker) runs around $200,000 and the heat goes on the Comrades . . . (Alabama, with a goal of $300, came through with $1.)"

Alabama is likewise distressingly apologetic for the unenlightened strayed one who so shamelessly contributed.

L. H. Roth, Montgomery, Ala.

. . . Re article Pravda, U.S.A., reproductions of Daily Worker show union label. I cannot find union label on your publication;

"*Jill's daddy says you're Santa Claus*"

I could guess why Jill's father, Jim McArthur, might say I'd played Santa Claus. But how could I explain it to a child?

You see, about two months ago Jim had a pretty bad auto accident. Well, I've handled Jim's auto insurance with State Farm Mutual for years. So naturally, it was my job to take care of Jim's claim promptly. I knew that check from State Farm meant the difference between a meager and a merry Christmas for the McArthurs.

"Maybe" I said, "what Jill's dad meant was, I'm sort of a helper of Santa Claus. For instance—what does she want for Christmas?"

"A 'bike'!"

"Well, son, I'll see that the word gets to the right person."

And a very pleasant Santa-Claus-like feeling came over me. Because I remembered how hard I'd worked to persuade Jill's dad that he needed State Farm's *Full Service* Insurance. So in spite of a costly auto accident, he had the money to buy his little girl a bicycle for Christmas. And I happen to know Jill's is hidden in the McArthur cellar right now!

Agents give personal attention

Here's one of the extra benefits you enjoy as a policyholder in the State Farm Mutual Automobile Insurance Company. Should you have an accident near your home, generally your claim will be *personally* handled by the man who wrote your automobile insurance in the first place. He, naturally, is *keenly* interested in keeping you a well-pleased customer. In addition, State Farm has 120 field claim offices, strategically located.

Away from home—same service!

Since automobiles were made to travel, State Farm service is geared to travel with the car. Wherever trouble occurs, in the United States or Canada, claim service is available.

Savings benefit policyholders

Efficient, friendly service plus *low cost insurance* is what you get as a State Farm Mutual policyholder. Why? Because State Farm desires to insure only careful drivers—who have fewer losses—keep costs down. State Farm is a mutual company—savings benefit policyholders.

The State Farm agent in your community will be glad to discuss any or all of your insurance problems. If you don't know him yet—simply look up State Farm in your phone book.

Note to new car buyers: *Before* you buy your new car, ask your State Farm agent about convenient low cost financing through a local bank—often substantial savings can be made on both the financing and insurance. And remember, once you have State Farm insurance, you can easily transfer it to your new car.

Do you know? *How small regular savings can build a comfortable retirement income if you start now? Ask your State Farm agent about the guaranteed savings and security program available in the State Farm Life Insurance Company.*

STATE FARM INSURANCE COMPANIES
BLOOMINGTON, ILLINOIS
Home Office

Western Office: Berkeley, California
Canadian Office: Toronto, Ontario
North Central Office: St. Paul, Minnesota
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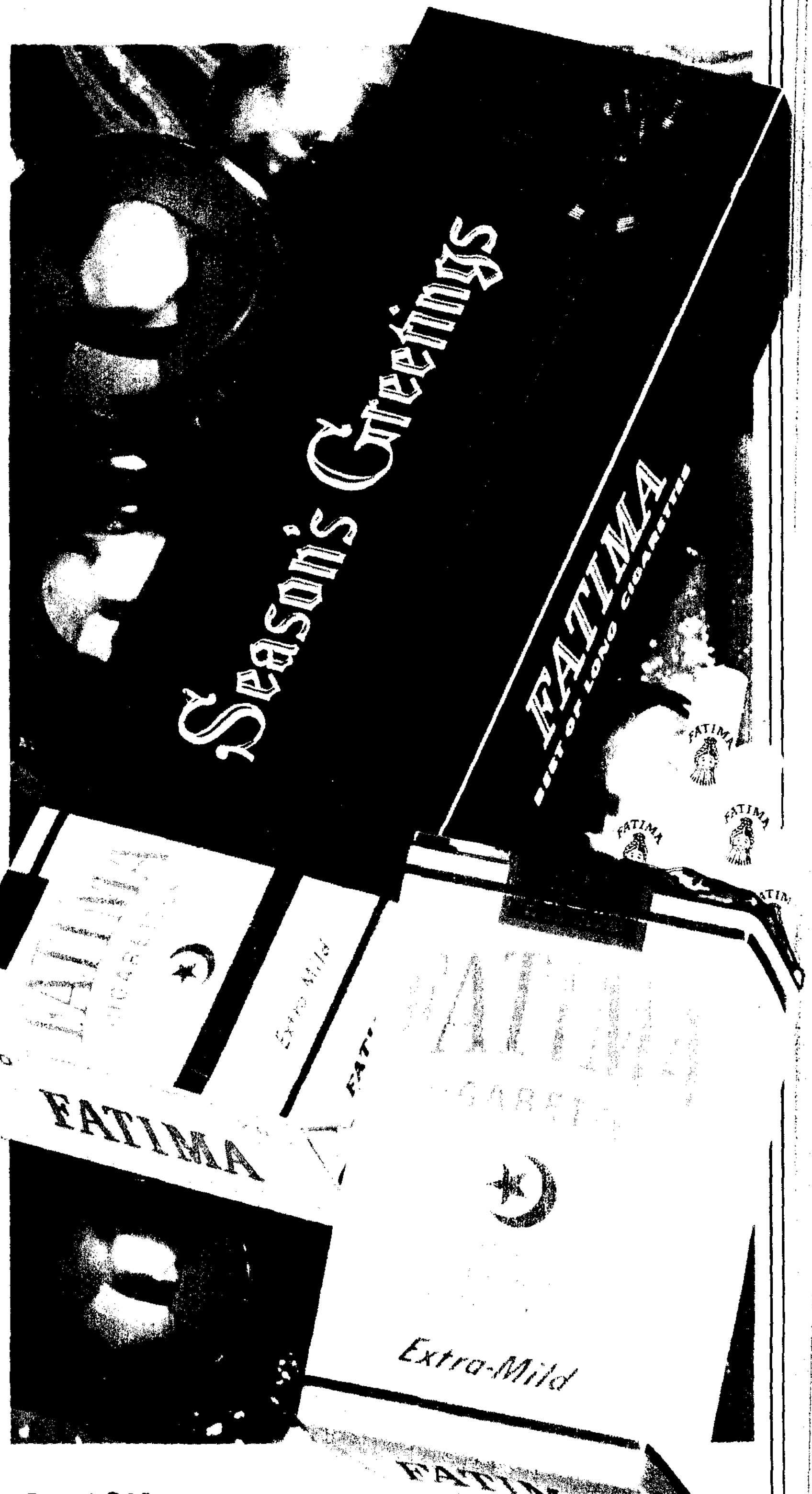
This Year

to your friends who like a long cigarette

GIVE THE BEST OF LONG CIGARETTES

EXTRA MILD KING-SIZE FATIMA



ENJOY FATIMA YOURSELF

...BEST OF ALL LONG CIGARETTES

Copyright 1950, Liggett & Myers Tobacco Co.

any union man or woman knows the label is important. You leave a bad impression.

I. T. U. Member C. L. Kurrier,
Washington, D. C.

Don't worry. All of the Crowell-Collier publications are union-printed.

Phantom Flattop

Editor: I thought Captain Thach's Phantom Carrier (Oct. 14th) was a very accurate reporting job on the activities of a carrier doing an over-all mission as a fighting unit on the high seas.

For those of us who served in World War II and read so many articles by flamboyant writers and war correspondents with their crystal-ball reporting, it was a return to fresh and inspiring reading.

One cannot help but feel that with men like John Denson on the job reporting the war news, the time-honored trade of a news reporter will gain a high level of respect in the minds of the people of this and other free nations.

Charles Colwell,
Fort Morgan, Colo.

. . . Many thanks for John Denson's fine article which brings me up to date on my husband's activities of late.

Am enclosing pictures of said husband, First Lieutenant Ray Rieder, one of Marine Fighter Squadron 214's hard-working landing signal officers, bringing a Corsair back aboard the Sicily after a strike.

Mrs. Ray Rieder, Orange, Cal.

. . . Heroic though Captain Thach's Marine fliers undoubtedly are, I doubt very much if the captain would add to their hazardous job by turning his carriers downwind to take the squadron aboard.

Having made roughly 200 CVE landings in fighters during the last war, I can testify that with the carrier into the wind, and a brisk breeze to hold you back, it's still a good trick.

Even a Marine wouldn't land downwind.

Lt. C. J. Dugan, USNR,
Crescent City, Cal.

Slight Disagreement

Editor: Your editorial Painter's License (Oct. 14th) is something that definitely needed to be said. We know just what you mean, and what newspapers print it, and are tired to death of reading continuous muck, lies and slime about the President deliberately fomenting war.

We and many others think, more power to you to see both sides and give credit where credit is due. We, as readers of your powerful magazine, appreciate fair play. It stirs our minds to find a champion who has this courage.

Mr. and Mrs. Louis S. Smith,
Pontiac, Mich.

. . . Re your editorial of October 14th, the writer feels that you must belong to the fuzzy-thinker school to indite such an inane foolish piece of tripe as is contained in this editorial.

I would suggest that Collier's magazine grow up and quit this silly aping of the ADA party line.

E. A. New,
Vineland, N. J.

. . . I am a young reader of your magazine and am not expected to have much to do with ideas dealing with politics. However I was deeply impressed by the tolerance and common sense which you expressed in Painter's License.

In most magazines I steer clear of political word battles because most of it is a pile of rot. Thanks a million for the proof that at least *one* magazine in the country can talk sense.

Marie Greer,
Oakland, N. C.

. . . How long can that Collier's stay dumb and naïve? Your editorial Painter's License is really something.

"As we get it," and you sure do, we isolationists—why not call us nationalists?—certainly do believe that the Fair Dealers, just as the New Dealers, will not stop at anything to keep themselves in office.

Hollis L. Shelton, Calumet City, Ill.

Balkan Policy

Editor: Re Next Targets for Stalin? (Oct. 14th), I agree with Collier's European Team that the U.S. should give every possible assistance to Turkey. History shows that this country has always fought to the death any armies that tried to invade her. Also, Turkey has always been, and is now, a natural foe of Russia who has had its eyes on the Dardanelles for centuries.

It is my opinion that the United States should use caution in its support of Yugoslavia. I believe it would fiercely resist any invading country, except Russia. By custom, language and race (Pan-Slavic) Yugoslavia is very like Russia, whom it has always called "Big Uncle."

Ernest Gardos, Miami Beach, Fla.

Froman's Fromage

Editor: As one of some millions of Americans who have become cheese-conscious in the past few years, I wish to congratulate you for printing the most interesting article Cheese, Please! by Robert Froman (Oct. 14th).

My only suggestion is that for anyone who knows his subject so well, Mr. Robert Froman have his name changed legally to Robert "Fromage."

Wendell D. Howie,
Boston, Mass.

. . . For Cheese, Please! I say, "Cheese, thank you." A bit about California intrigued me. I quote:

"California also, for some unexplained reason, produces and eats more than one fifth of the nation's cottage cheese."

Perhaps there is an explanation in Hollywood's well-known predilection for cheesecake!

Valeria V. V. Barner,
Fayetteville, N. Y.

. . . Re Cheese, Please!, what happened to Gruyère? I've worked top hotels and resorts for years and it has always sold third —Roquefort, Camembert, Gruyère.

Cameron Maire, Clarinda, Iowa

. . . As a lover of fine cheeses I enjoyed both reading the article and looking at the beautiful picture. However, you left out a cheese which is conspicuous by its very absence. I refer to Bel Paese, in my opinion one of the finest table cheeses.

Just as French Camembert, Switzerland Swiss and others were successfully duplicated in this country, so has Italian Bel Paese been successfully copied. Shame on you, for making such a *faux pas.*

Jessie A. Albert, Cliffside Park, N. J.

Even in as exhaustive an article as Mr. Froman's some cheeses had to be left out.

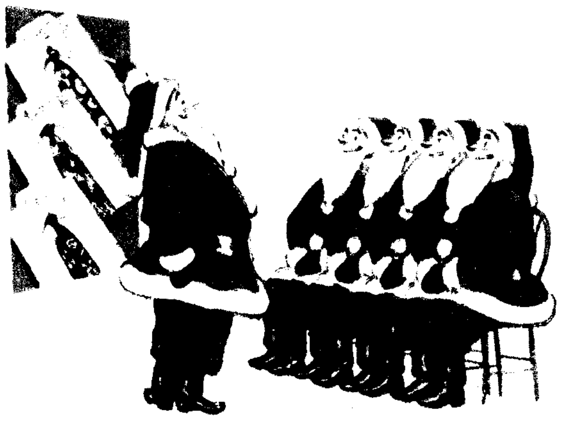
. . . As a wholesale grocery salesman, I have been selling cheese for many years, many tons of it. And I might add that I have probably eaten a ton of various kinds of cheese during those years. (I like the things I sell.)

And now, thanks to Robert Froman, I know something of the chemistry and history of cheese, one of man's oldest and best foods. Please pass the Limburger!

M. B. Shultz, Butler, Pa.

Take Dasher! Take Dancer! Take Prancer! Take Arrow!

ARROW
SANFORIZED
DART
ARROW
SANFORIZED
PAR
ARROW
SANFORIZED
DREW



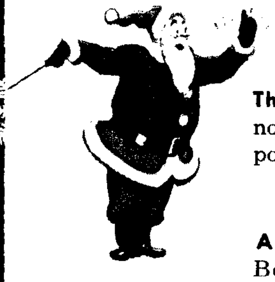
"**All over the country** men are waiting for the welcome sound of reindeer over the roof-tops. Waiting for those Mitoga-tailored Arrow shirts, with can't-be-copied Arrow collars!

"We're going in, come snow or rain! Water can't hurt an Arrow shirt. They're 'Sanforized'-labeled—won't shrink more than 1%.

"Hitch up your teams! Load up with Arrow—for the best-dressed men in America!"

Thousands are waiting for Arrow *Dart*—America's favorite shirt, with the non-wilt collar. $3.65.

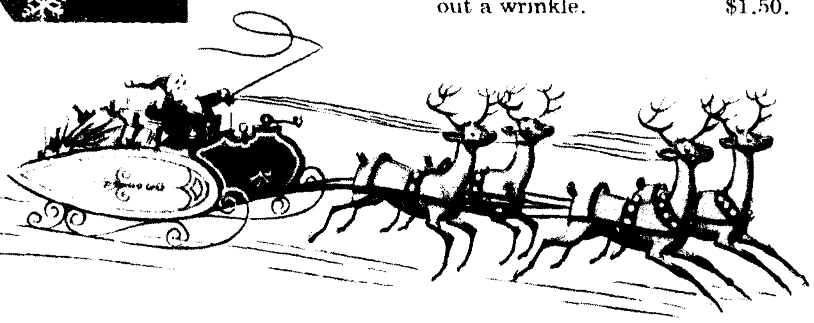
Drop *Par* under any man's tree and you've made a hit. Soft, spread collar with stays. Available with regular or French cuffs. $3.65.



This one you'll recognize as *Drew*, non-wilt collar with medium short points, low neckband. $3.65.

Arrow "Arabian Nights" Ties. Beautiful bonus for any man's Christmas. Wear and wear, without a wrinkle. $1.50.

SHIRTS and TIES



Cluett, Peabody & Co., Inc.,
Makers of Arrow Shirts • Ties • Sports Shirts • Handkerchiefs • Underwear

While ordinary shoes wear out,

Florsheim Shoes wear on and on; they

recognize neither clock nor calendar

in delivering their famous

extra wear of a second pair.

By the month or by the mile,

Florsheim Shoes cost less

in the long run . . . and that is why

Florsheim quality is America's

standard of fine shoe value.

Florsheim Shoes

The Briar Slip-on, *S-1226, of top-grade calfskin.*

The Florsheim Shoe Company · Chicago · Makers of fine shoes for men and women

Keep Up with the World

By JOHN DENSON

Sham el-Nessim, or Sniff the Breezes Day, is one of Egypt's most important holidays—and the only one which is nonreligious. The day is a festive occasion to welcome the coming of spring and the good things of spring. On Sniff the Breezes Day, the earliest riser in each Egyptian household awakens the sleeping members of his family by holding a ripe onion under their noses. In observance of the occasion, Egyptian families spend the holiday out of doors, sniffing the spring air and searching for small spring onions to smell and eat. Such onions are a part of the basic diet of all Egyptians. People of all walks of life and all religions join in the celebration. Shops, banks, schools and government offices are closed.

* * * * * * * * *

Many patriotic citizens are incensed when they see the American flag flying at night. They have confused the traditional customs of the military services—the lowering of the flag at sunset and the raising at dawn—with the rules governing proper respect for the national banner. Walter V. Dorle, president of the Northwestern State Bank of St. Paul, Minnesota, found this out just recently. His bank had erected a new home and had decided to let the flag fly from a tower 24 hours a day. Indignant citizens pestered him at all hours of the night. Banker Dorle was ready with the right answer. He had obtained a ruling from the U.S. Flag Association that it was quite correct to display the flag 24 hours a day. Whenever Congress is in session at night, the flag waves over the U.S. Capitol. The association pointed out that the Army raises the flag at dawn and lowers it at sunset to mark the beginning and the end of the Army's normal business day. As the association says: "It is your flag—not the property of any branch of government, but yours to fly whenever you desire, as long as you do so with respect."

* * * * * * * * *

A great deal of America's legal lore comes out of efforts to break wills. Judges have proved very reluctant to tinker with the intent of the dead, but many wills have been challenged under the so-called "dead man's hand" precedents. Under the "dead man's hand" precedent, courts have held, in effect, that the dead should not impose impossible conditions upon the living. One of the celebrated cases of this century developed out of the will of Mrs. Ella Burr McManus, who died at Hartford, Connecticut, in 1906, leaving $80,000 as a memorial in trust to go eventually for the erection of a memorial to her father, Alfred E. Burr, once publisher of the Hartford Times. She specified that the memorial be a drinking fountain for "both humans and animals." By 1949 the trust fund amounted to $454,319.10, and the Commission on Fine Arts asked the court to permit the use of the money for a new public library with a fountain at the entrance. The National Sculpture Society opposed the proposal. The court said Mrs. McManus wanted a fountain—and the money must be used for that.

* * * * * * * * *

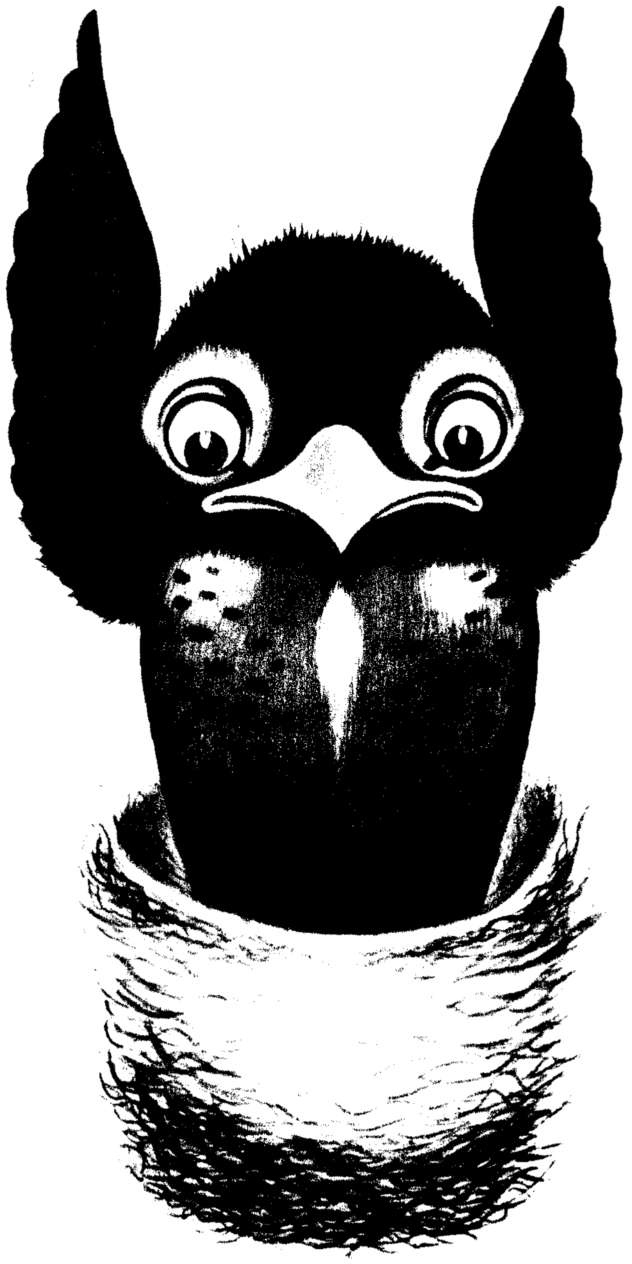
Going back a hundred years, Stephen Girard, the Philadelphia banker, left $2,000,000 for an orphan asylum now known as Girard College. He stipulated the exact construction of the buildings down to the size of the rooms, and gave architects a nightmare trying to erect livable structures. Girard even required that the asylum be surrounded by a wall 14 inches thick and 10 feet high with two gates. Girard further specified that the asylum be kept strictly nondenominational, even barring ministers and missionaries from the property. Daniel Webster represented litigants, trying to break the Girard will, but he failed.

* * * * * * * * *

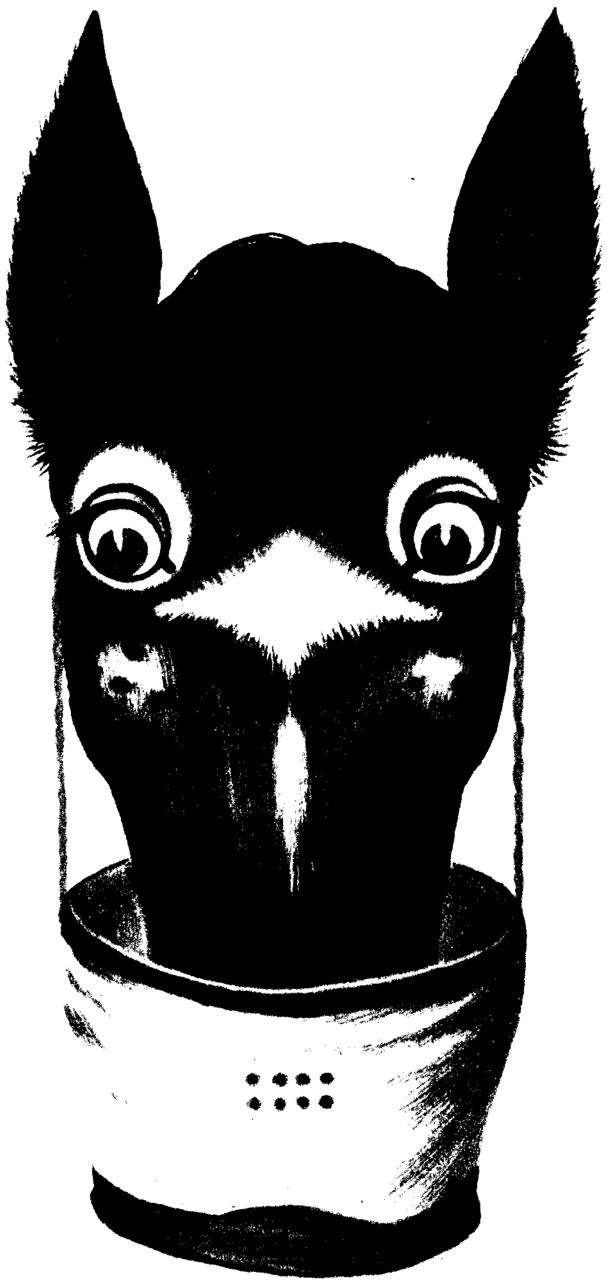
Recurring scandals in New York City (the most current one involves gambling pay-offs to policemen) have exposed tens of millions of dollars in graft, but the most infamous boss of them all—Tammany Hall's William Marcy Tweed—set a record for public plundering which still stands blackly above all others. For example, Boss Tweed's gang appropriated $250,000 for a county courthouse. By the time it was finished, more than $12,200,000—nearly 49 times the original estimated cost—had been siphoned out of the public treasury for the project. A plasterer on the job got $133,187 for two days' work.

HARRY GOFF

Boss Tweed, who controlled New York City's political machine from 1858 to 1871, is said to have collected somewhere between $40,000,000 and $200,000,000 in graft. The most effective opponent of the Tweed Ring was a cartoonist, Thomas Nast, whose biting caricatures in the old Harper's Weekly aroused widespread indignation and finally forced the indictment of Tweed on 102 counts of fraud. He was tried and convicted but, during arguments on an appeal, escaped to Spain. He was recaptured there and returned to New York. He died in jail in 1878 and maintained to the end that he had only tried to "do good to everybody."



Robin



Dobbin

There's a tremendous difference between a "**robin**" and a "**dobbin**"

– and there is a powerful difference, too, between and "Ethyl" gasoline!

TRADE-MARK

ETHYL
ANTIKNOCK COMPOUND
ETHYL CORPORATION

"Ethyl" gasoline is *high octane* gasoline. That's why it brings out the top power of your engine—makes a difference that you can feel on hills, on the open road, and when you need quick power for passing or acceleration.

When you see the familiar yellow-and-black "Ethyl" emblem on a pump, you know you are getting this better gasoline. "Ethyl" antiknock fluid is the famous ingredient that steps up power and performance.

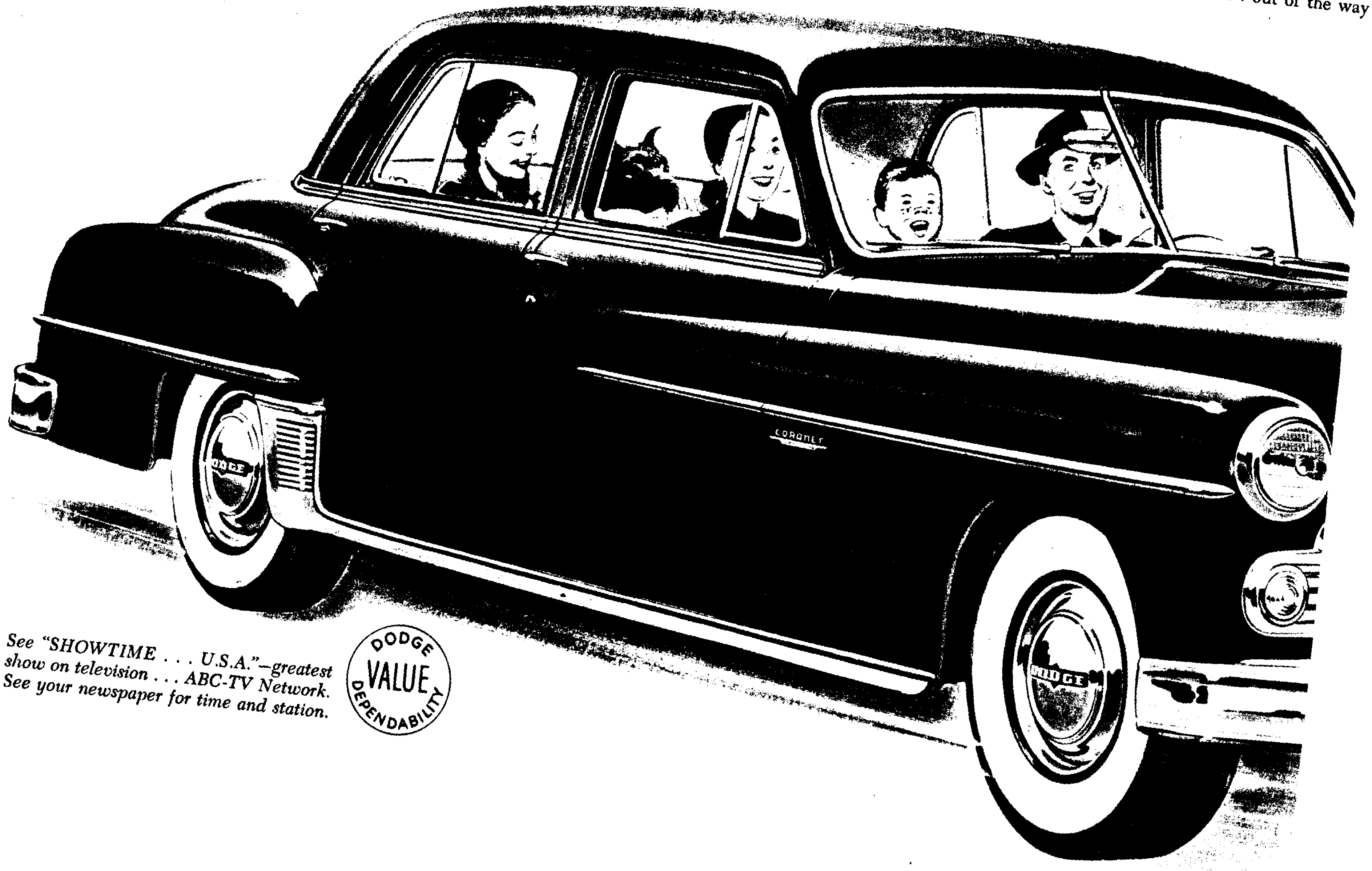
ETHYL CORPORATION . . . New York 17, New York

Other products sold under the "Ethyl" trade-mark: salt cake . . . ethylene dichloride . . . sodium (metallic) . . . chlorine (liquid) . . . oil soluble dye . . . benzene hexachloride (technical)

Drive it 5
you

Yes, you could pay $1,000 more for a car and still not get all the extra room...ease of handling...famous dependability of today's big Dodge

SAVE! No bumping your head crawling through "dwarf-size" door openings. Big, full-size Dodge doors open wide. You step in or out easily. And—arm rests are on doors . . . out of the way!



See "SHOWTIME . . . U.S.A."—greatest show on television . . . ABC-TV Network. See your newspaper for time and station.

DODGE VALUE DEPENDABILITY

minutes...see how can save $1000

SAVE! Here's *extra* roominess. Compare Dodge *head* room . . . *leg* room. Notice that seats are "knee-level." You ride in the most restful, relaxing posture for complete comfort on day-long trips.

DODGE
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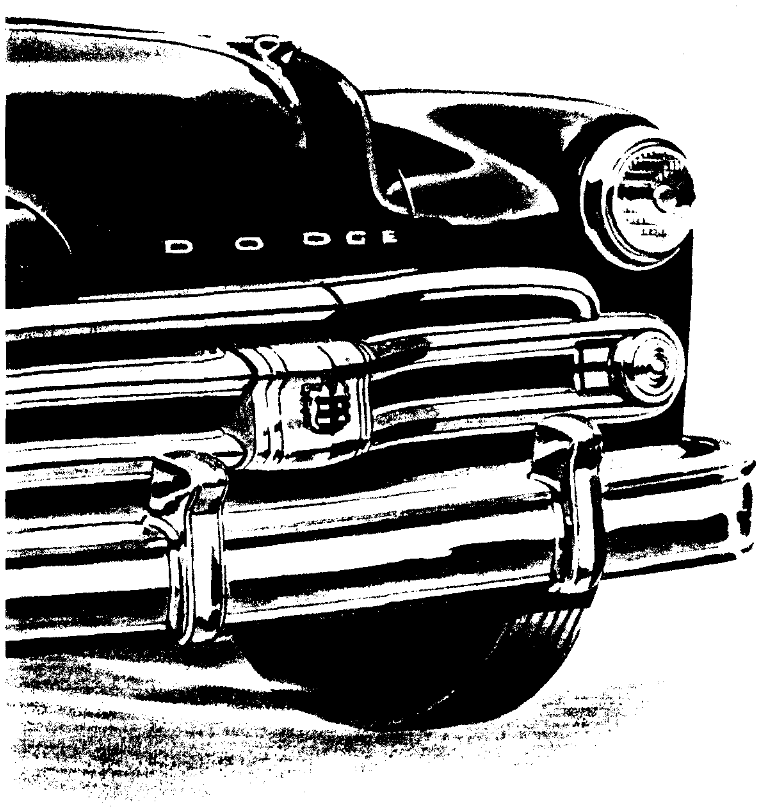
SAVE! Dodge brakes are big, husky—for sure, quick stops. Linings last up to twice as long! Wider Safety-Rim wheels reduce danger from blow-outs, hold tire on wheel for controlled stop.

SAVE! Drive without shifting. GYRO-MATIC, lowest priced automatic transmission, is available on Coronet models. All Dodge models give you smooth gyrol Fluid Drive . . . at no extra cost.

Now more than ever, you'll want the famous ruggedness and dependability of Dodge!



YES, 5 minutes is all you need to see how you could pay $1,000 more for a car and still not get everything Dodge gives you!

No other car can match the Dodge reputation for ruggedness . . . for dependability . . . for smart styling that endures year after year. No other car offers such *value!*

Dodge gives you a car that's bigger inside —a car that's wider, longer, higher—with lots of room for your legs, head, and shoulders.

In fact, you'll wonder how a car so big and roomy *inside* can be so sleek and compact *outside* . . . for easier parking and more nimble handling in crowded traffic.

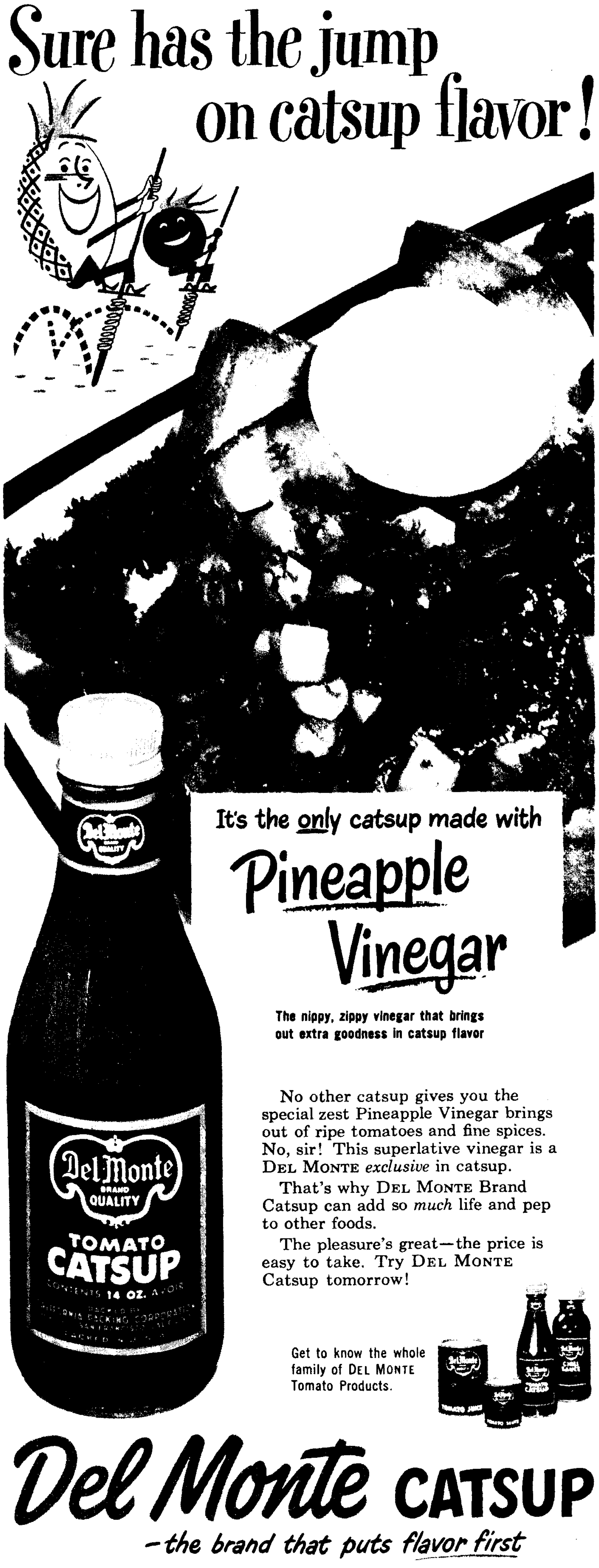
Big "Get-Away" Engine

Along with all this, you get the brilliant performance of the big "Get-Away" Engine . . . higher in compression, more powerful . . . yet amazingly economical on gasoline, oil and upkeep.

Now, more than ever, you'll want to see and drive today's big dependable Dodge. So take just 5 short minutes for a Dodge "Magic-Mile" ride. Visit your dealer this week, or *today* if possible. It'll be the most profitable 5 minutes you ever spent.

NEW BIGGER VALUE DODGE

Just a few dollars more than the lowest-priced cars!



Sure has the jump on catsup flavor!

It's the only catsup made with Pineapple Vinegar

The nippy, zippy vinegar that brings out extra goodness in catsup flavor

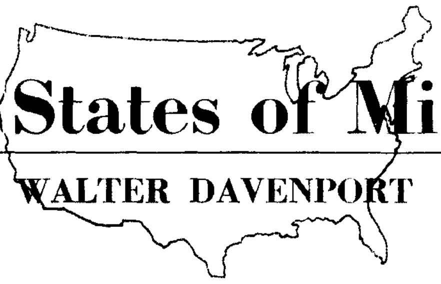
No other catsup gives you the special zest Pineapple Vinegar brings out of ripe tomatoes and fine spices. No, sir! This superlative vinegar is a DEL MONTE *exclusive* in catsup.

That's why DEL MONTE Brand Catsup can add so *much* life and pep to other foods.

The pleasure's great—the price is easy to take. Try DEL MONTE Catsup tomorrow!

Get to know the whole family of DEL MONTE Tomato Products.

Del Monte CATSUP
-the brand that puts flavor first



48 States of Mind

By WALTER DAVENPORT

George D. Stoddard, president of the University of Illinois, sees no reason why college graduates shouldn't be bricklayers. "Moreover," says he, "I predict they will be in the foreseeable future. Bricklaying is good work. It is stable. It is well paid. It is socially acceptable in every sense of the word and it provides leisure time for a general education." We don't know what Doctor Stoddard has against bricklayers. We took it up with a couple of them who disagreed indignantly. Said they had trouble enough without having to argue with foremen because they hadn't enough credits for a job or belonged to the wrong fraternity.

* * *

Ever hear of Newcastle Anonymous? No? Well, listen. This Newcastle is a town of 4,000 in northeastern Wyoming, near the South Dakota line. Oil and cattle have made it rich. For a while, wealth that came suddenly blinded those on whom it fell. Then, overnight, Newcastle learned that the oil strike on Mush Creek had not brought happiness to all its people. A citizen was slowly dying—broke, forlorn, his family in want. Newcastle was astonished that amid all its new wealth there was this misery. L. M. York, who discovered the Mush Creek oil, and Mayor "Ty" Thomas called together the men whom oil had made rich. One by one they wrote checks and pledged themselves to keep on writing. No names were to be publicized. No ballyhoo about the size of the fund. No fanfare, no breast-beating, no political schmaltz. Newcastle Anonymous was born. "It's not charity," says Ty Thomas. "It's a reward for good citizenship. It's not a loan. We don't want it repaid. Newcastle will take care of her own. I've been in the oil game many years. I know that the guy on top today can be on the bottom tomorrow. That's all." A. Bancroft Wells, of Newcastle, tells us the story. He wants to know whether we'd call it "practical Christianity." Why not?

* * *

There have been editors and writers who have tried to compile anthologies without Collier's being included in, and their successes have been discouragingly few. However, here's one—The Best Humor of 1949-1950—compiled by Louis Untermeyer, the poet, and Ralph E. Shikes, editor, presenting nine selections from this magazine, including a bit from Ed Streeter's Father of the Bride. That's not only more takes from Collier's than from any other magazine, but it's more than from any other *two* magazines. Three of the Collier's writers—Weaver, Petracca and Coons—live in or near Hollywood, yet none is on a studio payroll. And just by way of smacking down the stale old gripe that only established writers have a chance, two of the selectees—Finney and Petracca—were unknown to fame before our fiction staff discovered them in the "slush"—the everyday unsolicited mail. So we're giving ourselves a deep-throated roar of approval, at the same time congratulating the included lads and endorsing the judgment of the Messrs. Untermeyer and Shikes. If you want to keep abreast the best, it's easy. Just read Collier's.

* * *

It may sound incredible but it's a fact that not a horse has been stolen in or near Red Hook, New York, during the past 12 months. Nevertheless, the Red Hook Society for the Apprehension and Detention of Horse Thieves is taking no chances. It has just celebrated its 154th anniversary, elected new officers and admitted four new members. What's the matter with horse thieves these days? All in politics or something?

* * *

Naturally this has nothing to do with the immediately preceding item but a friend of ours telephoned us recently in high excitement to say that at Church Point, Louisiana, just below Opelousas, he saw more than a hundred horses and buggies around a church one Sunday not long ago.

* * *

And if it hadn't been for Mr. Max Herzberg, of South Orange, New Jersey, we wouldn't have known that a Newark mother telephoned the school that her fourteen-year-old son attends saying she wanted to speak to him. She was told that pupils might not be called to the phone except in a case of serious emergency—life and death, for example. Said she: "But this *is* a matter of life and death." The clerk said: "What is it? If necessary, I'll call the boy." The distraught mother replied: "This morning I put two plums in his lunch and I forgot to tell him not to swallow the pits."

JACK BETTS

* * *

We can't help feeling a bit betrayed. In 1948 we were assured by one of Harry S. Truman's closest associates that what the late Alfred E. Smith called Alphabet Soup would be served no longer in Washington. Oh, yeah? What about PAD, MEA, ESA, WSB, NPA and DTA? All new. Let's see. In order, they are Petroleum Administration for Defense, the Minerals and Energy Administration, Economic Stabilization Agency, Wage Stabilization Board, National Production Authority and Defense Transportation Administration.

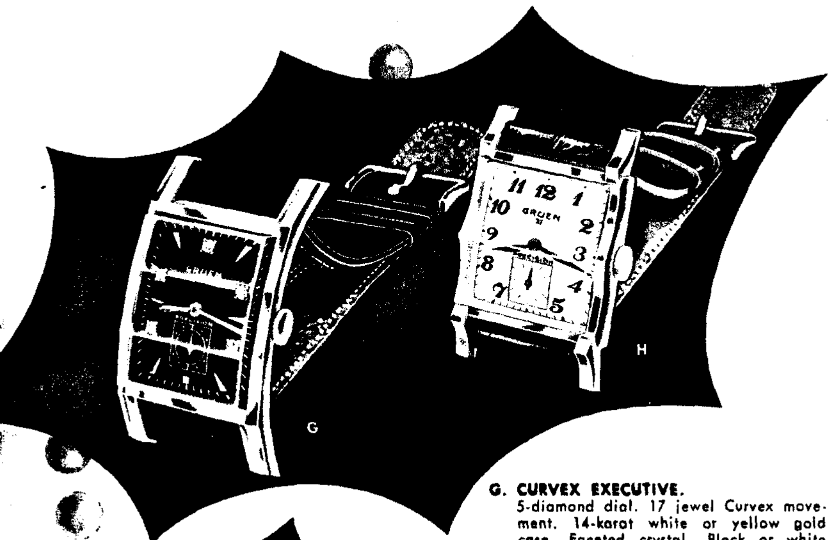
* * *

And there's always SNAFU. W. D.

Don't do it...unless you want someone's arms around you...tight!

But isn't this the Christmas you're going to do it?
You've waited long enough . . . to hear that quick,
unbelieving gasp . . . *"Darling . . . a Gruen Watch!"*

You've waited long enough . . . for the glowing pride two hearts can *share* in the gift of a watch so fine, so beautiful, so admired, so cherished. Why not decide, right now, which superbly styled Gruen Watch *on this page* says *exactly* what's in *your* heart, this Christmas? Other Gruen Watches priced $29.75 to $250, with precious stones to $5,000.



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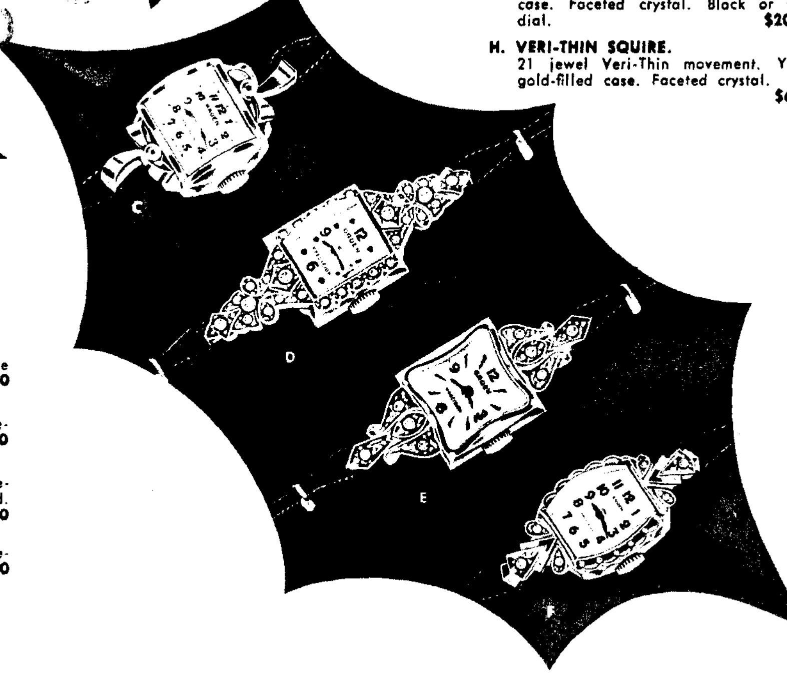

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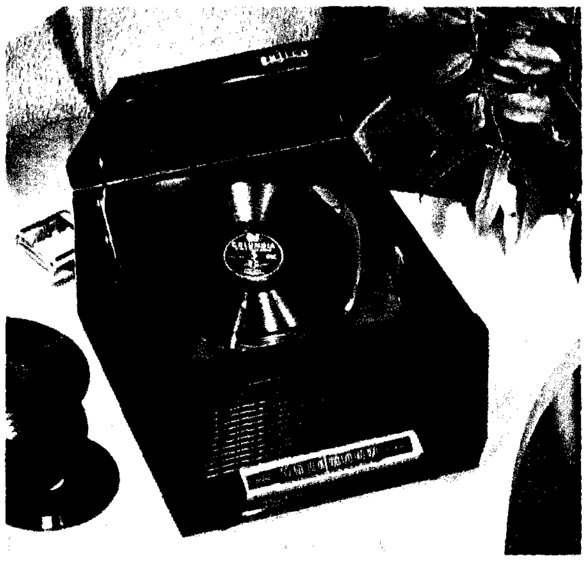

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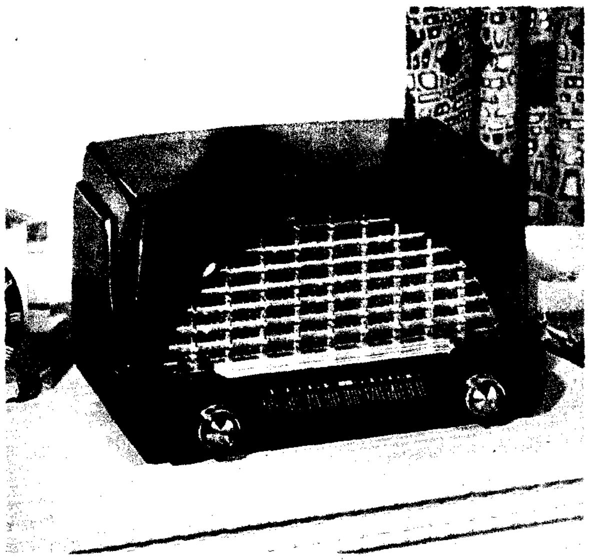

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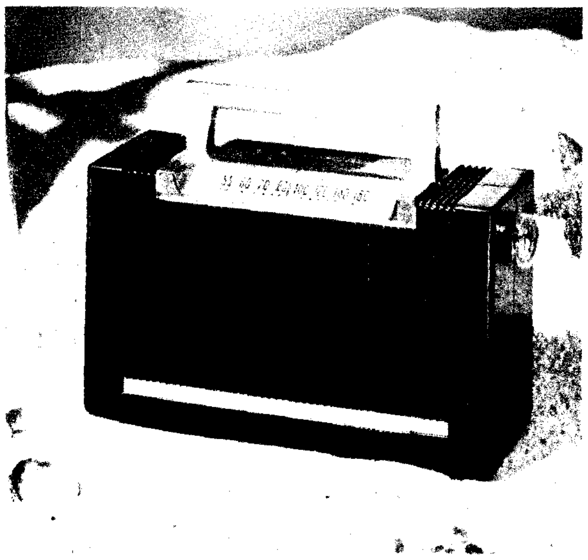

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—and best of all a Philco!

Whether you're giving or getting—Philco means the finest in radios and radio-phonographs

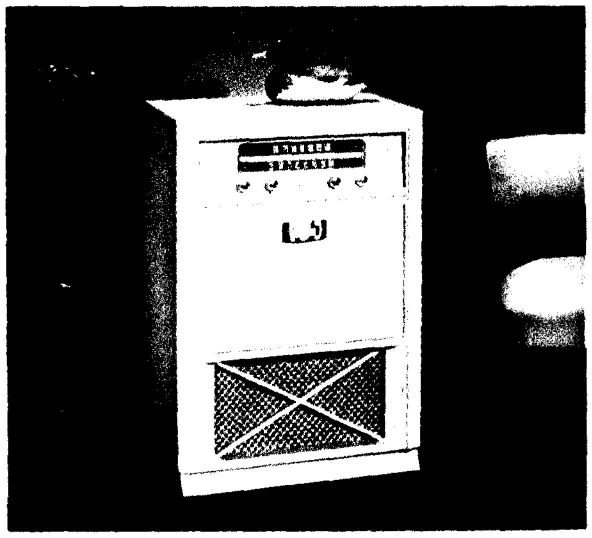
YOU'RE a shrewd Santa indeed when you choose Philco. Because, in both radios and phonographs, Philco brings you super performance, modern design, and values that defy comparison.

Philco radios are scientifically engineered to give unmatched performance, richer tone, vastly increased sensitivity.

Philco phonographs produce *the finest tone ever achieved from recorded* music . . . play all records, all sizes, all speeds, automatically with a single tone arm.

Consider one of the magnificent Philco radio-phonographs as a gift to the family. And—personal from you to somebody special—a Philco table or portable radio. Make your selection *now* from the wealth of wonderful Philcos at your dealer's . . . so that, come Christmas, you'll be a *proud* Santa!

• **AUTHENTIC FEDERAL AMERICAN** design console of fine mahogany veneers. FM-AM radio at its best. Highest fidelity tone from records of all sizes, all speeds. Model 1734. **$339.95*.** Other Philco consoles from **$179.95***



• **STUNNING MODERN** decorator type cabinet in blond veneers. Super-sensitive radio; 3-speed record changer plays *all* records automatically. Model 1730-L. **$199.95***

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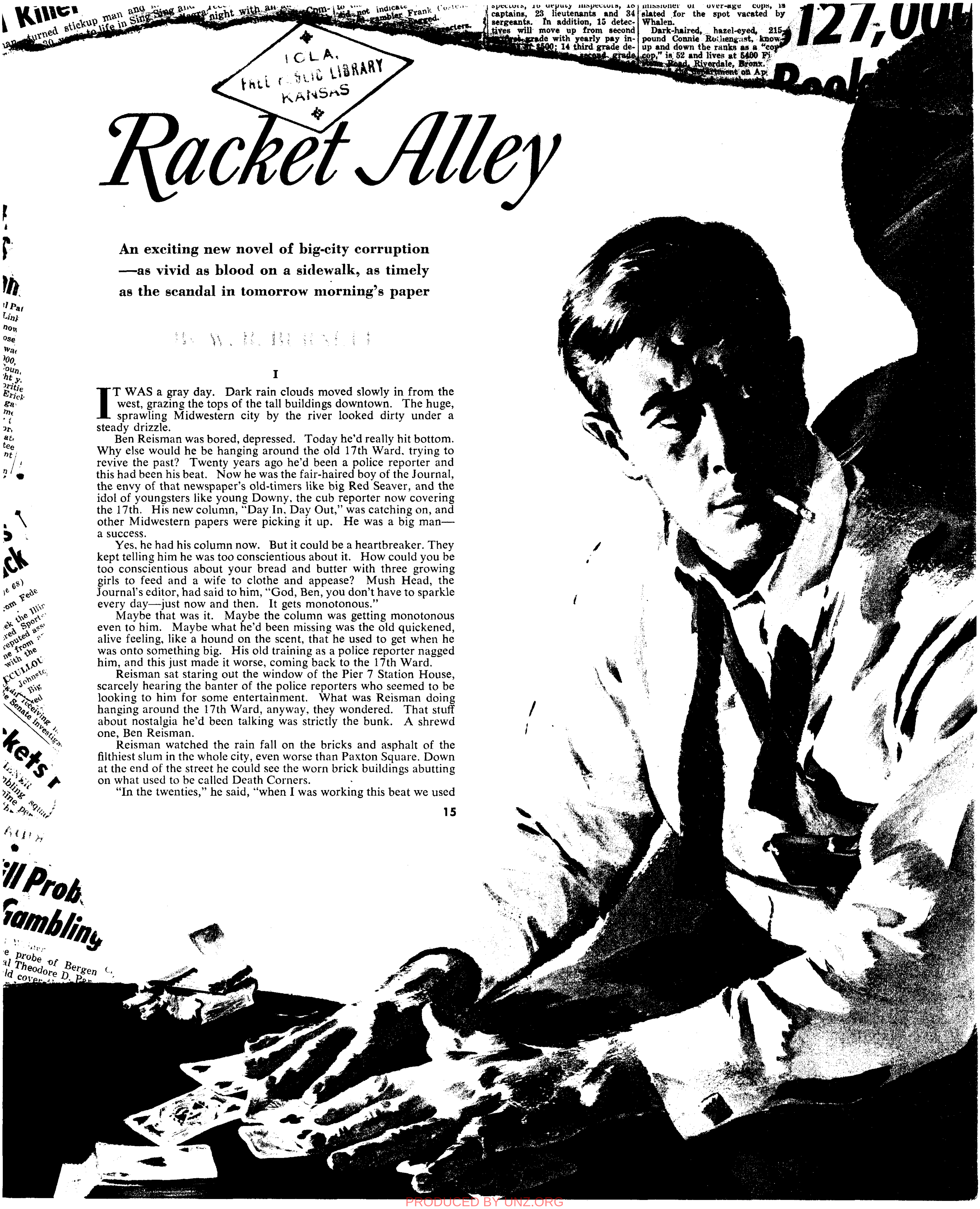
Racket Alley

An exciting new novel of big-city corruption —as vivid as blood on a sidewalk, as timely as the scandal in tomorrow morning's paper

By W. R. BURNETT



I

IT WAS a gray day. Dark rain clouds moved slowly in from the west, grazing the tops of the tall buildings downtown. The huge, sprawling Midwestern city by the river looked dirty under a steady drizzle.

Ben Reisman was bored, depressed. Today he'd really hit bottom. Why else would he be hanging around the old 17th Ward, trying to revive the past? Twenty years ago he'd been a police reporter and this had been his beat. Now he was the fair-haired boy of the Journal, the envy of that newspaper's old-timers like big Red Seaver, and the idol of youngsters like young Downy, the cub reporter now covering the 17th. His new column, "Day In, Day Out," was catching on, and other Midwestern papers were picking it up. He was a big man—a success.

Yes, he had his column now. But it could be a heartbreaker. They kept telling him he was too conscientious about it. How could you be too conscientious about your bread and butter with three growing girls to feed and a wife to clothe and appease? Mush Head, the Journal's editor, had said to him, "God, Ben, you don't have to sparkle every day—just now and then. It gets monotonous."

Maybe that was it. Maybe the column was getting monotonous even to him. Maybe what he'd been missing was the old quickened, alive feeling, like a hound on the scent, that he used to get when he was onto something big. His old training as a police reporter nagged him, and this just made it worse, coming back to the 17th Ward.

Reisman sat staring out the window of the Pier 7 Station House, scarcely hearing the banter of the police reporters who seemed to be looking to him for some entertainment. What was Reisman doing hanging around the 17th Ward, anyway, they wondered. That stuff about nostalgia he'd been talking was strictly the bunk. A shrewd one, Ben Reisman.

Reisman watched the rain fall on the bricks and asphalt of the filthiest slum in the whole city, even worse than Paxton Square. Down at the end of the street he could see the worn brick buildings abutting on what used to be called Death Corners.

"In the twenties," he said, "when I was working this beat we used

CITY ARENA
MON

to have some real excitement. The bootleggers used to shoot just to see each other fall. It was like a penny-arcade shooting gallery. Don't anything ever happen?"

"You're wasting your time here," said one of the reporters. "No copy, except for the juvenile delinquents. Them young fourteen-year-old girls—brother! Run for your life."

"Yeah, you should see them whistling at your boy Downy," said the Examiner man. "I'm not kidding. If Downy could only sing he'd be the Vic Damone of Pier 7."

"Girls whistling at boys, my, my!" said Reisman. "Incidentally, where is Downy?"

"He's over at Arky's joint. He's taken to betting the beetles—two here, two there. Even had a four-horse parlay going yesterday. How stupid can you get?"

"Parlays are for Hoosiers," said somebody in the background.

REISMAN said, "I think I'll wander over and see him, and then I got to get back. Where'll I find him, Joe?"

"Down at the Corners. Remember the old pool hall? That's it. Bookie joint in back. Cigar store in front. Pool tables in between. And get a load of the character in there."

"What character?"

"The Syrian that manages the joint. They call him Zand. He's the sharpest dresser in town."

"I thought you said it was Arthur's joint, or something like that," said Reisman.

"Arky," said Joe, the Examiner man, wearily. "He owns it. Nice fellow. Country boy, but pretty much wised up now and citified. Must have an in someplace. Even the coppers from the station house bet with him. A solid guy."

"But a small-timer, huh?"

"Oh, sure. Definitely. Small book—nothing. Why?" asked Joe suddenly.

"No reason," said Reisman, slightly irritated with Joe and his suspicious nature.

"Thought maybe you were chasing something," said Joe.

"Just my tail, like a bored fox terrier," said Reisman, rising to leave.

"Okay, pappy," said Joe. "Come back again in a decade. We don't get many celebrities here."

Reisman was halfway across the room when Joe snapped his fingers at a sudden thought.

"Say," he called, "you get around, Ben. Hear anything about George Cline moving back in?"

Reisman showed a flash of interest, then lowered his eyes. He remembered Cline well. A big boy ten years ago. But Leon Sollas, the new boss of the vices and rackets, had run big George out. At least that was the story. George had gone West and prospered. Las Vegas. Reno. Someplace like that.

"No," said Reisman. "Haven't heard a thing. That story is always floating around. Leon's been running the thing for ten years."

"Leon's a front and you know it," said Joe. "The boys in the background call the turn and pull the strings. Leon just takes the rap and gets all the bad publicity. Public Enemy No. 1. Big stuff."

"You know maybe who the boys in the background are?" asked Reisman ironically.

"If I did, I'd be the biggest man on Newspaper Row. But the rumor is, things have been rocky with the boys lately, and the Setup can't deliver any more."

"I wouldn't know," said Reisman. "I am now merely a columnist. I leave such rumormongering to Downy and my illustrious colleague, Red Seaver."

In spite of what he said, however, Reisman felt a sudden quickening, a sudden interest. His stomach crawled slightly, as in the old days; and this time he was sure it was not his tried-and-true friend and companion, the ulcer. It was instinct warning him—the kind of sixth sense that had made him a top reporter on the crime beat, and, perhaps, had brought him down here on this rainy day. There were still big stories to be had.

Turkey began backing away. "Get out and don't come back," said Zand, "or I'll open you up to see what you're made of"

Leon Sollas was the boss—at least, he was considered to be the boss. If Cline tried to move back in, there'd be real trouble. Or would there?

"Maybe," said Reisman, speaking to himself as much as to the others, "I should pay my respects to the Captain before I look up our boy Downy."

He turned and went slowly up the sagging stairs of the battered old station house. Things were at sixes and sevens in the city. He knew that. There were rumors and rumbles—had been since old Commissioner Hardy, elected to Congress, had left and been replaced by Thomas Stark, a friend and protégé of the old boy's who was zealous and able. Bookies had been prosecuted and heavily fined—something unheard of in the old days. Reisman admired the new commissioner and felt sorry for him. Stark's intentions were of the best, but you can't sop up the ocean with a sponge.

Reisman was lucky enough to find Precinct Captain Carl Dysen in his office. The Captain, about fifty, was six foot three and weighed two hundred and sixty pounds. His iron-gray hair was cut short and his heavy face sagged like a bloodhound's. He was a very tough boy and for ten years had been the tyrant of the 17th.

"Hello, Ben," he said. "What is this, second childhood? I heard you were hanging around."

"Looking for my lost youth."

"You guys never know when you're well off."

"I miss the excitement. I'm living out in Lakeside Village now. Closes tight at nine. The other day somebody stole a lawn mower. Brother, what an uproar!"

The Captain laughed in his deep bass voice. "Yeah. I know. I live in Locust Grove."

"Sarah's even talking about sending our kids to private school. Private school yet!"

"That's what I mean, Reisman. You're a big man now. It don't look good, you hanging around this jungle."

"I'm gonna get on back in a minute. Dropped in to the station house looking for our boy Downy. But they tell me he's over at Arky's. The Arky story would seem to be the only beat he's covering these days."

BEFORE Reisman had the words out, the Captain, his face suddenly dark, was on his feet, shouting in his booming voice, "Look, Reisman. Just write your column. Don't play detective. And that goes for your boy Downy, too!"

Reisman felt cold, then hot, but tried to keep his face controlled. So the big story was maybe a nice country fellow named Arky. And here he'd dropped in on the Captain to do some fishing about George Cline. He'd hit the jack pot early.

"I understand a lot of Hoosiers are tossing their dollar bills around at Arky's place these days," Reisman said evenly.

The Captain's face relaxed a bit. And the anger in his voice was no longer tinged with alarm.

"I manage *my* ward *my way,* Reisman."

"Who's complaining?"

"Don't run to Commissioner Stark about *my* ward. Understand?"

"Third degree? The hose? Bright lights? Go to hell, will you, Dysen?"

The Captain composed himself and chuckled as he sank back down into his chair. "All right. *Run* to him. We close 'em up. They open the next day. They've got a fix going and you know it."

"Don't you ever read the papers? They've been sending the boys up."

"In the downtown area. Here and there," said the Captain, wearily. "Look, sharpshooter, the commissioner's got one set of principles, I got another. My business is crime: armed robbery, rape, arson, murder. My job is to see that people are safe. Is gambling a crime? Are bookies criminals?"

"According to the law, they—"

"Stop being funny. Look. I got the biggest and the toughest ward in town. I also got the Front. So what do I do? Let the white-tie tramps do what they please on the Front and close up on the poor guys with two bucks?"

"Captain, I didn't know you were a social philosopher. But you're having an argument all by yourself. I didn't come down here to make you any trouble. You got my word for it."

"Then why *did* you come?"

Reisman sighed and stood up. "Okay, I'll stay away. I think you got something there."

He went out. An old turnkey who hadn't seen Reisman for twenty years yelled at him, but Reisman, absorbed, not hearing, hurried on.

THERE was nobody in the cigar store, except a tired-looking blond woman at the counter, but back beyond, through an arch, Reisman could see a crowded poolroom with all the tables going and a flock of young hoodlums looking on.

The blond woman looked him over apathetically. "You're a new one, huh?" she said.

"This used to be my beat in the old days, dear," said Reisman, stepping up to buy a cigar. "But that was long before your time."

"Get right, chum. Get right," said the woman. "I don't go for that magoo."

Someone brushed Reisman lightly. A little dark-faced, hawk-featured man was staring up at him with sharp, black eyes. His jet-black hair was carefully oiled and curled; heavy dark eyebrows went straight across his forehead. He had on a purple silk shirt and a white knit tie, and white suspenders, decorated with gold facing, held up his chartreuse slacks. He looked like an Easter egg.

"You must be Zand," said Reisman.

"Yeah. Heard of me?"

"The boys at the station were telling me what a wonderful dresser you were."

Zand grinned. "I have 'em made. Everything tailored."

"Except his kisser," said the blond woman.

Zand rocked with laughter. "Lola—she kills me. That's my girl friend, mister. Say, you new at the station, buster?"

"Yeah," said Reisman, "and I'm looking for a friend of mine."

"He's in the back, waiting for the fifth from Washington Park. You a betting man?"

"Now and then."

"We pay track odds," Zand explained. "Only joint in this area. And no arguments, and no credit—unless the boss okays it."

"I thought *you* were the boss."

"Well, I am. I manage it, anyway."

"He *works* here," said Lola, showing irritation.

They were interrupted by a loud argument in the pool hall. Two hulking young hoodlums were quarreling violently about some point in the game. They both had pool cues in their hands and looked as if they might use them. Reisman felt a sudden stab of apprehension. This was a rough neighborhood and a rough joint. A guy could get killed around here.

"Excuse me, mister," said Zand.

Reisman moved cautiously to the archway to see what would happen. As soon as the hoodlums saw Zand coming they stopped arguing at once, and when he went up to them they began backing away, one of them looking a little greenish.

"Didn't I warn you, Turkey?" said Zand mildly.

"Yeah," said Turkey. "But he started it."

"Get out and don't come back," said Zand. "If you do, I'll open you up to see what you're made of." He turned away, and Turkey stared sullenly at his back.

There was a nervous quiet in the room now. Zand walked back to Reisman, smiling slightly. The little Syrian seemed completely unruffled. "You want to go back and see your friend now?" he asked.

"Yeah," said Reisman.

He followed Zand across the pool hall and into a barnlike, ramshackle room with green tin shades over the lights and a line *(Continued on page 68)*

THE 61st ALL-AMERICA

By BILL FAY

IN THE early 1880s, when English rugby was evolving into American football at a few Eastern colleges, the players did not bother much about line-ups and positions. They simply massed in a flying wedge in front of the ball carrier and—WHAM!

Walter Camp, the Yale coach, first proposed the humanitarian legislation which compelled seven men of the offensive team to remain on line with the ball until the play started. As a result, the players were broken down into two groups—linemen and backs. Finally, when Camp picked the first All-America for Collier's in 1889, he placed his original selections in the positions which now comprise the standard football line-up—end, tackle, guard, center, quarterback, halfback and fullback.

For more than 50 years, Camp's nomenclature accurately described the positions of the players. Probably the greatest of all Notre Dame teams, the unbeaten 1930 Irish, rarely budged from a seven-man line on either offense or defense. In those days, ends played at the ends and centers occupied the middle of the line no matter which team had the ball. So it was relatively easy for spectators to identify the defensive players.

But times and defenses have changed drastically in the last 10 years—thanks to the popularity of the T-formation offense and the stampede toward unlimited substitutions. In their desperate battle to blunt the T's striking power, coaches worked out a bewildering variety of defenses, running the gamut from four- to eight-man lines. Confused spectators lost track of guards and tackles, while the two-platoon system created that Forgotten Man of Football—the defensive specialist.

This year, those forgotten defensive specialists have been placed squarely in the All-America spotlight. In selecting the 61st All-America, announced on these pages, the American Football Coaches Association awarded All-America Specialist honors to 25 outstanding defensive performers. These awards—which clearly identify the player with his primary defensive duty—were made in three categories:

(1) *Defensive linemen*—the men along the forward wall who halt running plays by smashing the interference, and disrupt passing attempts by rushing the thrower.

(2) *Line-backers*—the defenders who work behind the men in the forward wall and move in to make tackles after the interference has been smashed.

(3) *Defensive backs*—the men who work behind the line-backers, making tackles on break-through runners and covering receivers on pass plays.

"When you look at defenses realistically," comments California's Lynn Waldorf, president of the Coaches Association, "it's apparent that the line-ups now in use are obsolete. For example, Elmer Stout, Army's tremendous line-backer, played only a few minutes on offense all season, yet the programs listed Stout as a center. Similarly, Bill McColl was Stanford's best line-backer, but Bill was listed as an end—his offensive position. This year, the coaches decided to select defensive players according to their duties on the field, rather than their position on the programs."

Each week during the season, more than 250 members of the Coaches Association reported directly to Collier's on the work of leading All-America candidates in key games. These exclusive reports were based on information available only to coaches—scouting data, on-the-field observations, and analyses of game movies. The reports were consolidated and evaluated by Collier's All-America board of nine famous coaches, including Bud Wilkinson of Oklahoma; Frank Leahy, Notre Dame; Dutch Meyer, Texas Christian; Henry Frnka, Tulane; Ray Eliot, Illinois; Lou Little, Columbia; Carl Snavely, North Carolina; Tuss

THE 1950 ALL-AMERICA LINE-UP

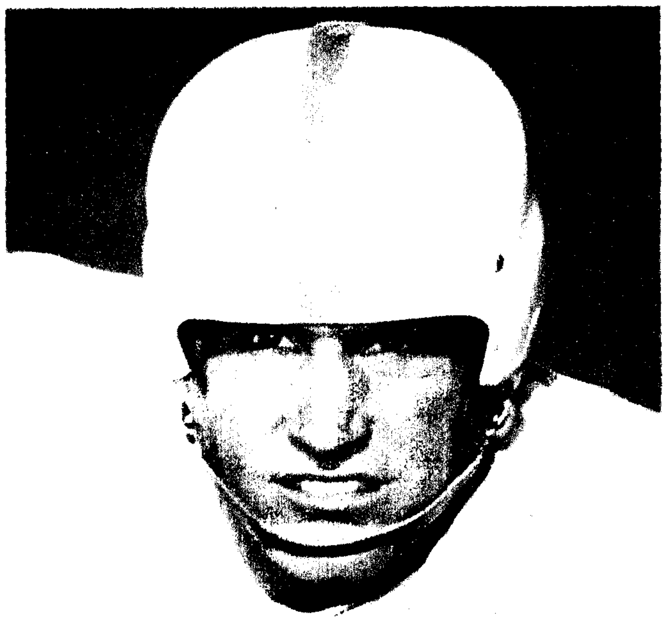
POSITION	NAME	TEAM	HOME TOWN
End	BILL McCOLL	Stanford	San Diego, Cal.
End	DAN FOLDBERG	Army	Dallas, Tex.
Tackle	HOLLAND DONAN	Princeton	Montclair, N.J.
Tackle	JIM WEATHERALL	Oklahoma	Hooker, Okla.
Guard	TED DAFFER	Tennessee	Norfolk, Va.
Guard	BUD McFADIN	Texas	Iraan, Tex.
Center	BOB McCULLOUGH	Ohio State	Uhrichsville, O.
Quarterback	VITO PARILLI	Kentucky	Rochester, Pa.
Halfback	VIC JANOWICZ	Ohio State	Elyria, O.
Halfback	KYLE ROTE	Southern Methodist	San Antonio, Tex.
Fullback	LEON HEATH	Oklahoma	Hollis, Okla.

KYLE ROTE

Southern Methodist

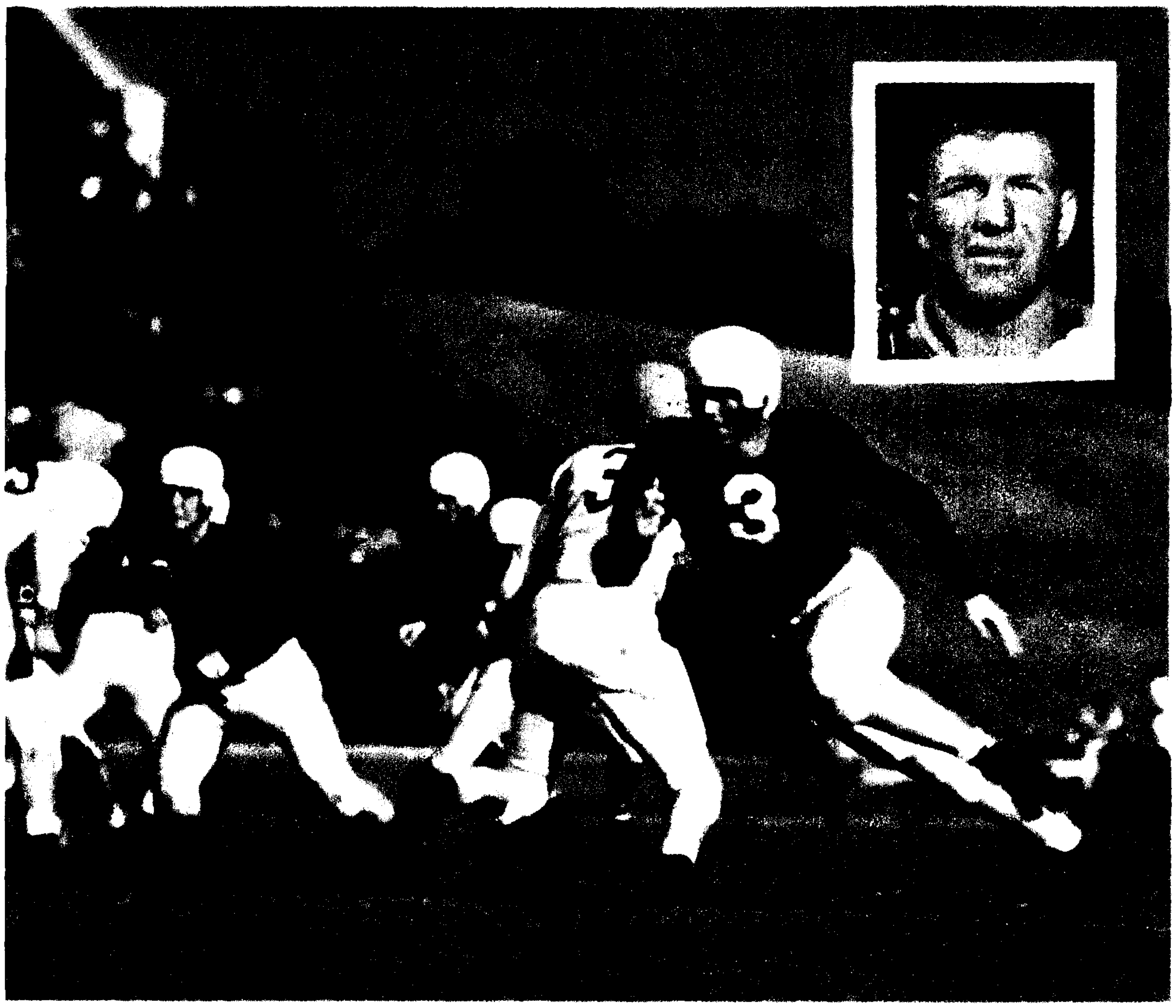
Selected by the American Football Coaches Association

HOLLAND DONAN
Princeton

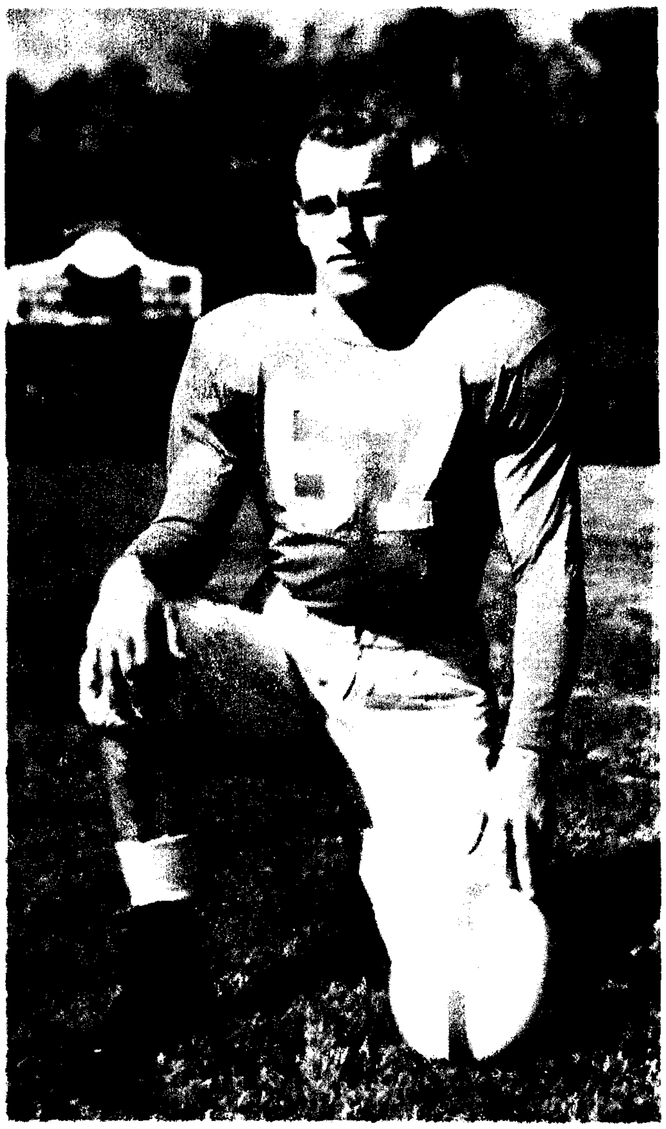


BUD McFADIN
University of Texas

BOB McCULLOUGH
Ohio State



BILL McCOLL
Stanford



TED DAFFER
University of Tennessee

McLaughry, Dartmouth; and Waldorf of California.

The All-America board, representing the Coaches Association, named Collier's five sectional All-Star teams (All-East, All-Midwest, All-South, All-Southwest, All-Far West) announced in last week's issue. After studying more game movie evidence on these 55 sectional stars and comparing the play of each candidate with those of his picked rivals at the same position, Collier's board selected the best of the best—the 61st All-America team.

In addition to awarding All-America Specialist honors to outstanding defensive performers, Collier's board also rated the top offensive players in four classifications: blocking linemen, running backs, passers and pass receivers. The complete list of 1950's All-America Specialists—including the punting and kickoff experts—can be found on page 74.

So much for *how* the All-America stars were elected; now, let's see *why* they won the nod, starting with Ohio State's versatile Vic Janowicz (5 feet 9, 186 pounds). It is an understatement to call Janowicz a halfback. Vic is modern football's answer to the libel that the two-platoon vogue may someday eliminate the 60-minute player.

Against Iowa, for example, Janowicz recovered two Hawkeye fumbles near the line of scrimmage by rushing up from his safety position. He ran for two touchdowns—one of them being a 61-yard punt return—and passed for four others. He kicked eight extra points, and added two more on passes, just for variety. He also called signals and handled the Buckeyes' punting assignments (Vic's the top punter in the Big Ten). Another thing: Vic booted the ball into the end zone on 11 of the Bucks' 13 kickoffs. Quite a football player, this Janowicz—and he's only a junior!

Wes Fesler, the Ohio State coach, says: "Even if Janowicz could not run, or pass, or punt, or kick off, he'd still be invaluable as a defensive back. He's a deadly tackler and a great defender against passes."

But versatility was Ohio State's trade-mark during the past season. The Buckeyes also possessed the nation's most accomplished center, Bob McCullough (6 feet 1, 190 pounds), who had to master two vastly different blocking techniques to handle Fesler's complicated offense, which mixes T-formation and single-wing maneuvers.

"A T-formation center," says Bob Voigts, Northwestern coach, "has relatively simple blocking assignments. While handing the ball back, he can keep his eyes *up* and *on* his opponent. But a single-wing center must keep his head down and look back through his legs while floating a pass to the ball carrier. This is a definite blocking disadvantage, but it didn't seem to bother McCullough. Even on head-down single-wing plays, he was able to move forward and nail his opponent."

Watch for Collier's 61st All-America football team on television. A half-hour program, showing the great stars of the 1950 season in thrilling game movie high lights, will be telecast coast to coast during the week of December 1-8. See your local newspaper for time and station in these cities:

Albuquerque, N.M.
Atlanta, Ga.
Binghamton, N.Y.
Boston, Mass.
Buffalo, N.Y.
Charlotte, N.C.
Chicago, Ill.
Cincinnati, O.
Cleveland, O.
Columbus, O.
Dallas, Texas
Detroit, Mich.
Erie, Pa.
Greensboro, N.C.
Houston, Texas
Huntington, W. Va.
Indianapolis, Ind.
Johnstown, Pa.
Kansas City, Mo.
Los Angeles, Cal.
Louisville, Ky.
Miami, Fla.
Minneapolis, Minn.
Nashville, Tenn.
New Orleans, La.
New Haven, Conn.
New York, N.Y.
Philadelphia, Pa.
Phoenix, Ariz.
Pittsburgh, Pa.
Providence, R.I.
Richmond, Va.
Rochester, N.Y.
St. Louis, Mo.
Salt Lake City, Utah
San Antonio, Texas
Seattle, Wash.
Syracuse, N.Y.
Tulsa, Okla.
Utica, N.Y.

There's a story behind McCullough's presence at Ohio State. In the summer of 1947, Fesler coached the North squad in Ohio's annual North-South high-school all-star game. Both the North's star centers were injured in practice and Fesler had to call in a 159-pounder named McCullough from Uhrichsville. Ordinarily, Fesler is not interested in high-school seniors weighing 159 pounds, but he couldn't ignore McCullough's blocking.

"Bob," Fesler suggested, "you better come up to Ohio State in the fall. We'll fatten you up."

Flanking McCullough are two rugged All-America guards, Ted Daffer of Tennessee (5 feet 11, 185 pounds) and Bud McFadin of Texas (6 feet 3, 245 pounds). The tip-off on Daffer's ability is this comment from Bob Neyland, Tennessee's coach: "Ted's the closest to Bobby Suffridge I've seen."

If the name Suffridge isn't familiar, take time out for a moment to check the names of the famous players selected for Collier's Mid-Century All-America (see below). You'll find Tennessee's Suffridge listed at guard among such all-time greats as Bronko Nagurski, Don Hutson, Red Grange, Jim Thorpe, Ernie Nevers and Johnny Lujack.

McFadin, Daffer's running mate at guard, is a typical west Texan, colorful on and off the field. Fast and agile, despite his 245 pounds, Bud's a terrific blocker and a defensive bulwark. His tanklike charge eliminated three Oklahoma linemen as Byron Townsend ran 15 yards for a touchdown against the Sooners.

McFadin's shoulders fill out a size-48 suit coat, which he seldom wears. Bud ambles to class in blue jeans, cowboy boots and a T-shirt. He is renowned on the campus for his southpaw fiddle playing and makes frequent radio appearances with guitar-stroking Sonny Sowell, a second-string guard.

The All-America tackles are Jim Weatherall of Oklahoma (6 feet 4, 220 pounds) and Holland Donan of Princeton (6 feet 5, 228 pounds). Weatherall, a junior, anchored *(Continued on page 74)*

The Mid-Century All-America

Here they are, fans, the 11 top football players of the last 50 years. If you don't agree with this Mid-Century line-up, you'll have to argue with the 551 famous stars named to Collier's All-America teams from 1900 through 1949. Collier's polled them and they selected this array of superstars. They also named the late Knute Rockne of Notre Dame "the outstanding coach of the past 50 years." Us? We're neutral. We just counted the votes.

JIM THORPE
Halfback, Carlisle
1911

WILBUR (FATS) HENRY
Tackle, Wash. & Jeff.
1919

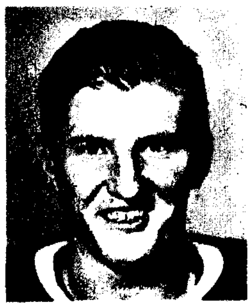
RED GRANGE
Halfback, Illinois
1923-'25

ERNIE NEVERS
Fullback, Stanford
1925

BENNIE OOSTERBAAN
End, Michigan
1925-'27

BRONKO NAGURSKI
Tackle, Minnesota
1929

DON HUTSON
End, Alabama
1934

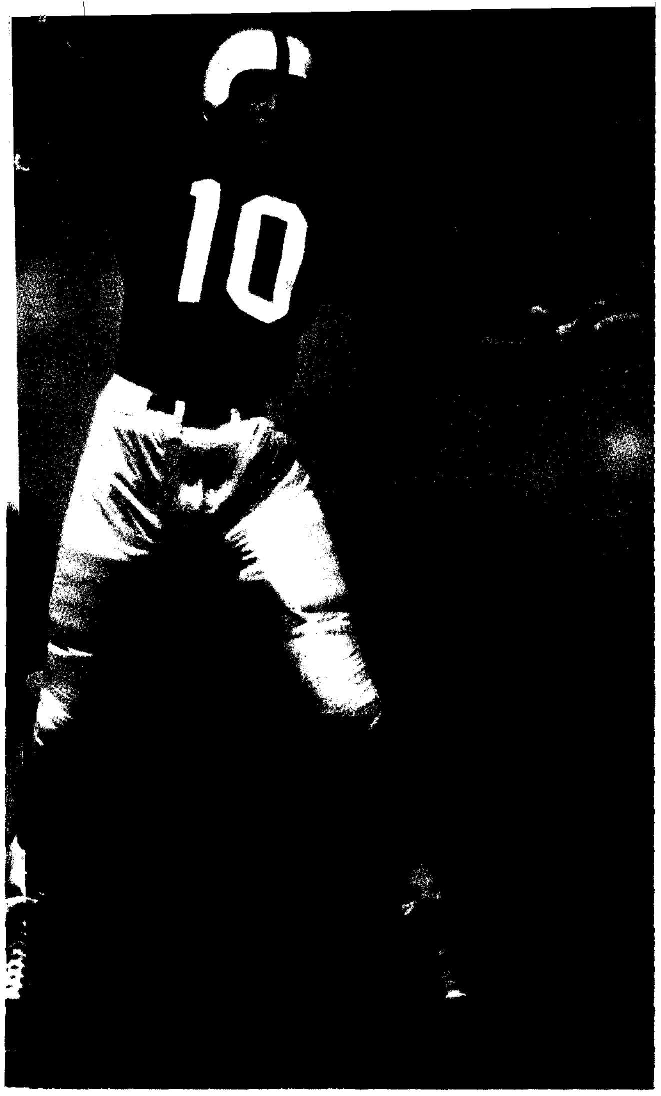

KI ALDRICH
Center, Texas Christian
1938

HARRY SMITH
Guard, So. California
1939

BOB SUFFRIDGE
Guard, Tennessee
1940

JOHNNY LUJACK
Quarterback, N. Dame
1946-'47

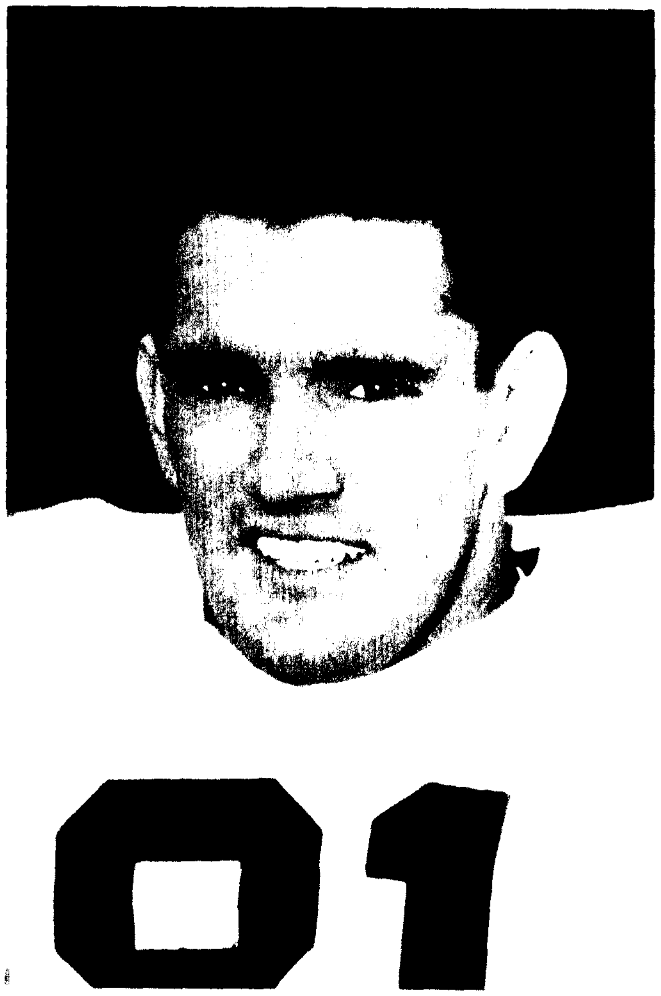
KNUTE ROCKNE
Coach, Notre Dame
1918-'30



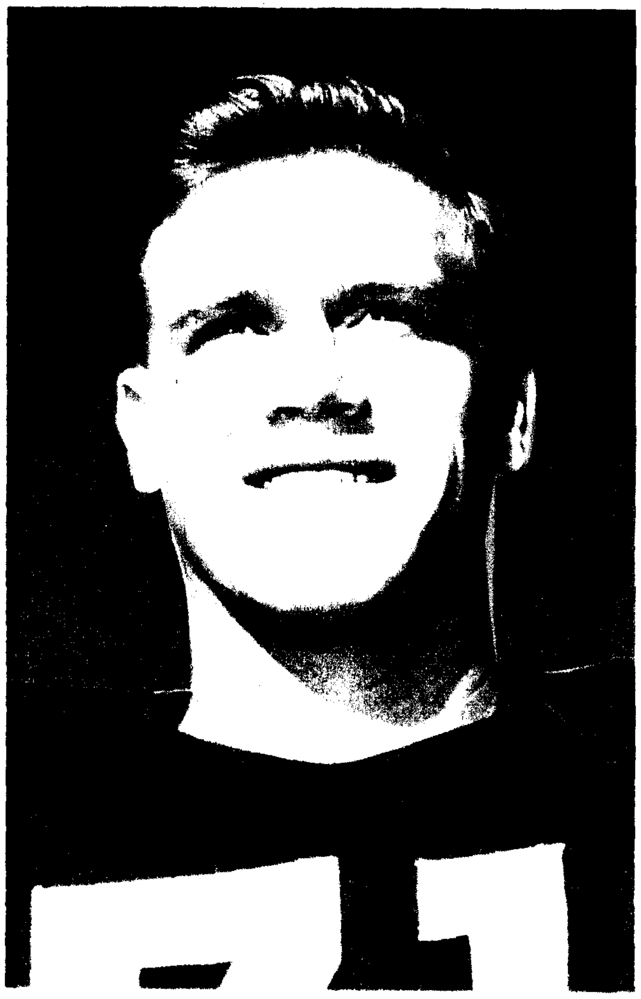
VITO PARILLI
University of Kentucky

VIC JANOWICZ
Ohio State

LEON HEATH
University of Oklahoma



DAN FOLDBERG
Army



JIM WEATHERALL
University of Oklahoma

GOLD in Your Hair

Their long separation had begun in bitterness. Now they were haunted by a question: Could they make a life together with the cause of the bitterness still standing between them?

By WILLIAM BRANDON

JUDITH met him at the train. She kissed him on the cheek and said, "Hi." Henry said, "Hi." He lifted her up from the ground in a one-armed hug and put her down, and that was that. He got his bags and walked with her around the little station to the parking area.

She said, "Well, does everything look the same?"

Henry grinned.

She smiled too and said, "Does it?"

"Do you mean you?"

"Well, do I?"

She looked younger than he remembered. He was beginning to feel old, and he thought that the rest of the world should grow old at the same rate. She looked exactly as she had the first time he saw her. She looked about nineteen. But nineteen was away back there, even for her. Ten years ago, eleven, in fact. Where was it, that nineteen? But it wasn't an age, nineteen: it was a spirit, a happy spirit.

She wore a gold clasp in her hair. Splinters of sunlight danced upon it.

"You look real good," Henry said.

They came to a pickup truck and she said, "This is our new car." A novel affectation, Henry thought, for well-to-do summer people like the Canarvals to ride around in a pickup truck instead of the customary station wagon. He tossed his bags in among a couple of battered milk cans and a mound of rusty log chain. He got in the cab beside Judith. She started the engine and said, "Flaps down, gear up and locked," and the truck bounced out to the highway. The road was rough and the truck bumped and banged like a kettledrum.

Henry said over the clatter, "You could rent this thing out for a secret weapon."

"It does keep us in condition."

They skirted Montpelier and turned onto the Jordan road. The pavement was smoother and the truck comparatively quiet.

Henry said, "How is he?"

"Lots better, lately."

"Up and around?"

"A little bit. He's looking forward to seeing you."

They could fall into commonplace talk as comfortably as if the intervening years had never been, Henry thought. And it was a symbol of their long separation that the talk should be about the professor.

"He couldn't come along, of course," Judith said. "He goes out for drives but this would be too long. But he said to tell you he'd have the whisky alerted."

"He sounds the same."

"No," Judith said. "He is different."

Let's keep away from that, Henry thought. "Why, he's all right."

Judith glanced at him out of the corner of her eye and said in derision, "Do you know what you sound like?"

"What do I sound like?"

"Serious-minded Dick Rover. He's true-blue, said serious-minded Dick. Oh, he's trumps! said jolly Tom Rover."

"Fun-loving Tom."

"That's right, fun-loving. I forgot fun-loving."

Locks of her blond hair blew first on one side of the golden clasp and then on the other side. She wore a gaily striped skirt. Her legs were bare. Her leather sandals were very simple and therefore, Henry supposed, expensive. They looked out of place on the floor board of the truck, anyway. There was a yellow scarf knotted around her neck. She was pretty, but the world was full of pretty girls. This one was Judith, that was the difference.

They turned off the highway at the covered bridge. Henry said, "Somehow I didn't expect it to be still here."

"Everything always stays the same in Vermont," Judith said. "That's why Vermont is always so much fun to come back to, I guess."

The truck entered the shadow of the bridge and crept across. Sunlight hung slanting through the cracks in the boarding like a rank of flags. The opposite portal of the bridge framed the same tranquil landscape of green hills and yellow fields, and the willows at the bend of the brook. They emerged on the same high-crowned gravel road and the chuckholes dotted along it were, Henry thought, the same ones that had always been there.

An old man waved from the top of a wagonload of hay.

"Mr. Dekker," Judith said. "Remember him?"

At the Menacher place there was a new milkhouse and new lightning rods on the house and barn. There were new lightning rods on all the ramshackle buildings of the Shandy place on the top of the hill.

"A salesman went through this spring," Judith said. "He came before the mud season was over and he'd get stuck at each house and have to hire a team to pull him out, so everybody said they felt obligated to him."

There was a blackened cellar hole, choked with berry bushes, where the Dimitys' little red house had been.

Judith said, "They were going to sell out and move into the village, and it burned down the night before the auction. The rumor was bruited about that Mrs. Dimity set the fire herself."

"Sentimental gesture?"

"Gosh no, not Mrs. Dimity. She thought the insurance would bring more than the auction, so the gossip had it."

The road narrowed and ran between dark walls of spruce. They came suddenly upon the long rolling meadow of June grass, freshly mowed, like velvet in the brilliant light. The aged apple trees clustered in a fence corner were deep in pale-green ferns. In the center of the field a sparrow hawk slid fluttering up and down an invisible string.

A chipmunk stood on the stone fence and screamed at the truck as it rattled past.

Time was collapsible, not from the weight of memory so much as under the simple spell of place. The hills beyond were blue and silver at this instant, and by no more than that time was dissolved.

THE meadow had gone to flowers that year—long ago—the first summer after the war. The grass was crusted over with devil's-paintbrush, brown-eyed Susans, and buttercups. A shame on the land, old Mr. Dekker had said, for once it was as fine a mowing as there was in the town. Judith thought it was beautiful. She said she had never seen so many flowers, acres of color rippling in the wind.

She said in delight, "And the hills! Look! They're not green any more, but blue and silver. Was there ever anything so enchanting?"

In the scrap of tangled orchard a doe and a fawn stood, heads up, and watched them and suddenly whirled and leaped the fence and disappeared. Walking in the dusk they saw a fox coursing between the knolls, shoulder-deep in flowers. The fox stopped and tested the air, nose high, tongue hanging, eyes half closed.

"He looks positively ecstatic," Judith said. The fox heard her, became aware of them, studied them for a time with a comical curiosity, head on one side, and vanished.

"There's the first star," Judith said. "I've made my wish, have you?"

He held her in his arms. She drew him down to her and kissed him.

She said, "It scares me to be so happy."

"Why?"

"Oh, because it's heavenly, I guess. If it's heavenly it isn't earthly and so it must not be real."

"It's real to me."

"I mean just now, the way we feel just now, when everything is perfect. You wait and dream that it will be like this and then it is; it winks at you for just a second, like that star, and then all the rest of your life you try to bring it back again."

The black heads of the flowers nodded gravely at the evening sky.

She said, "That's only incantation. It's to appease reality. Darling—"

"Mmm?"

"Make me stop thinking about it."

PROFESSOR CANARVAL said, in the spring of that first full summer of peace, that this time he really meant to retire.

He said, "I'm going to farm the place here. I'm entirely serious. Harold Fuller is going to work for me on a full-time basis. He's already picking out the stock and tools we need. I may stay winters and all."

Judith laughed and said, "Daddy! At fifty below?"

"I'll bank myself with whisky."

"They've got whisky in California," Henry said.

"I'm too old for foreign places, Henry."

Professor Canarval was a stocky little man with an apple-red face. His whisky was no joke. He was earnest about whisky, if not about anything else.

"I hate going so far away from him," Judith said. Henry's new job was in a jet-fuel laboratory in Pasadena. They would drive out in the autumn. The trip would be their honeymoon. Judith had chosen the wedding date in August because her parents had been married in August, and the professor was sentimental about anniversaries. Each year on his wedding anniversary he made quite a ceremony of drinking a toast to his dead wife's portrait. He was fond of saying that all that he was and all that he hoped to be he owed to his wife, because it was her rich uncle who had left them a hundred thousand dollars.

"We'll talk him into coming out for the winters at least, later on," Henry said.

"You know he could never be pried away from New York in the winters."

"Maybe we can get back now and then in the summers."

"If only it weren't so far. If only he had somebody left. He'll be so absolutely alone."

On a night in July the professor went out for a walk before bedtime. It

(Continued on page 58)

ILLUSTRATED BY GLEN FLEISCHMAN

“He’s put us in a position where we can only wait for him to die,” Henry said. “Count the days. Will he live till winter? Till summer?”

BEAUTY and the BEASTS

By BILL DAVIDSON

Aardvarks and art critics alike acclaim a statuesque lady named Ylla. Rated the world's top animal photographer, she loves her subjects. They never squawk when wrinkles show

ERGY LANDAU

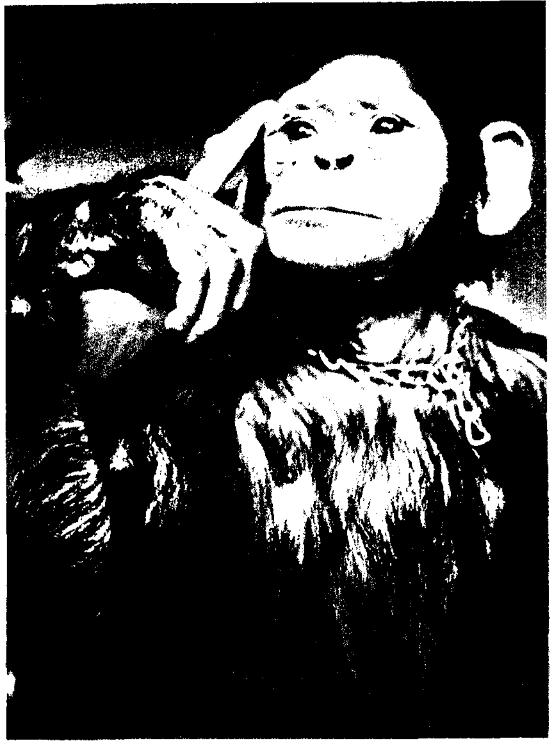
Ylla (pronounced Ee-la) and a friend at the Paris zoo. She says New York elephants are less chummy

WHEN the royal family of England sends out to buy a little something for the house, the commoner patronized generally is The World's Greatest. Gowns come from The World's Greatest Dressmakers, cutlery from The World's Greatest Cutlery Makers, crumpets from The World's Greatest Crumpet Makers. Accordingly, when Dowager Queen Mary recently wanted a book of animal photographs for her new great-grandson, Prince Charles, she did what she had done for years for all the other royal children. The dowager queen went out and bought a book of animal photographs (in this case, a volume entitled The Sleepy Little Lion) by a young woman named Ylla—The World's Greatest Animal Photographer.

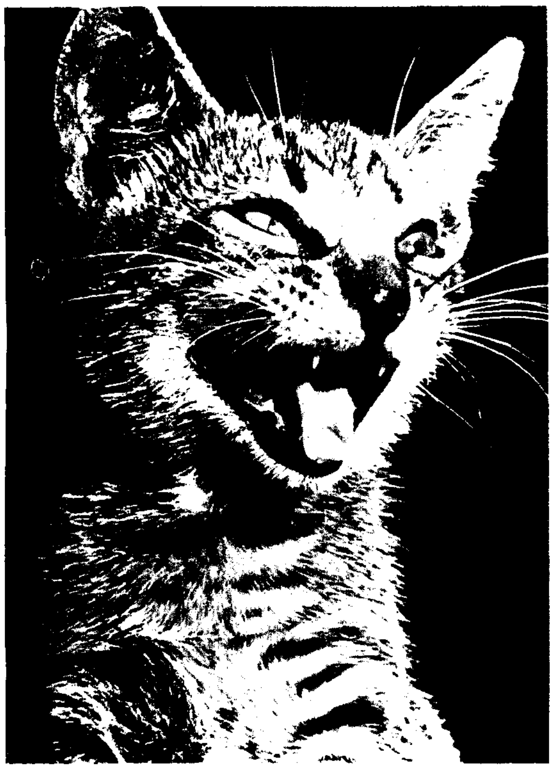
There are several things about this that are startling—notably the fact that Ylla is a tall, exotic central European beauty (now an American citizen) who bears an interesting resemblance to Hildegarde and the long-stemmed young ladies of Mr. Billy Rose's chorus line. She would look completely at home playing the lead in a Strauss operetta. Even more startling than this is the mere fact that she is a *woman*. As the late French editor Jacques Guenne once put it, "Coming upon her, crawling unarmed among the savage animals of the zoo, is like suddenly finding a beautiful woman on the bridge of a ship, directing a naval battle."

As an indication of how she surpasses men in a man's dangerous profession, Ylla is one of the few human beings to make close-up photographs of wild water buffalo, an animal ferocious enough to be a match for tigers in jungle combat. In 1933, she was walking through the Vincennes Zoo in France when she noticed the female water buffalo with her recently born calf. Ylla had finished her day's shooting and she was on her way to Paris to keep a date, but this was an event important enough for the French, British and American newspapers. So, dressed just as she was, she *(Continued on page 76)*

This is Dixie, an infant lion who had the run of the photographer's Manhattan apartment for a week



One of Ylla's favorite subjects, this chimp was caught in a reflective mood



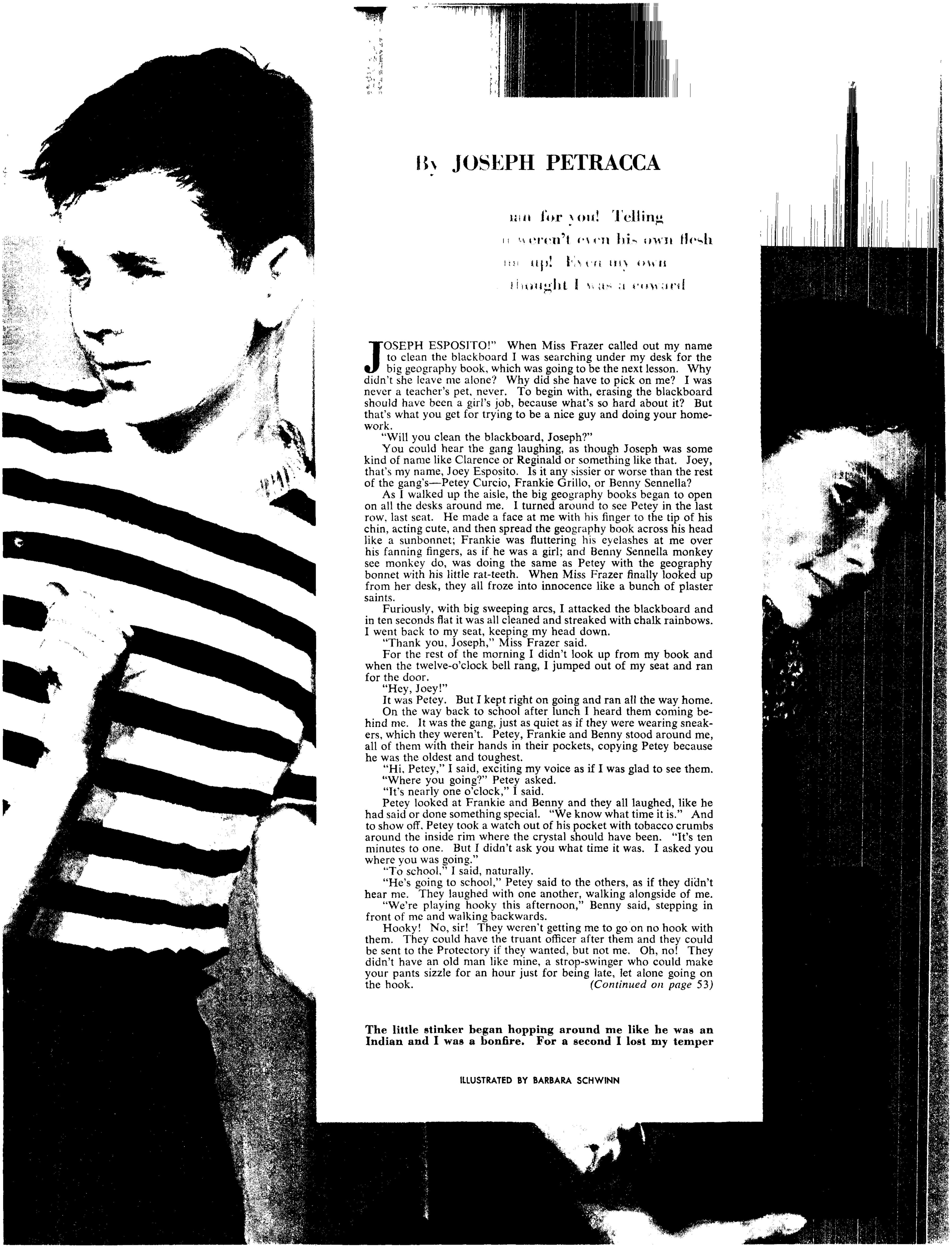
"The Laughing Kitten" is one of the most famous of all animal portraits

Both of these creatures lived with Ylla for a while, but never became friends. Parrot used to scream, "Stop it!" at squirrel's approach. Ylla's book Tico-Tico was named for squirrel

PHOTOGRAPHS BY YLLA

Gossiping? Not really. This group of pelicans was snapped one day at lunch

It took days of patient waiting to catch this polar bear at the right moment. The picture is now considered one of Ylla's best. She spends much time in zoos seeking shots like this



By JOSEPH PETRACCA

an for you! Telling
weren't even his own flesh
up! Even my own
thought I was a coward

"JOSEPH ESPOSITO!" When Miss Frazer called out my name to clean the blackboard I was searching under my desk for the big geography book, which was going to be the next lesson. Why didn't she leave me alone? Why did she have to pick on me? I was never a teacher's pet, never. To begin with, erasing the blackboard should have been a girl's job, because what's so hard about it? But that's what you get for trying to be a nice guy and doing your homework.

"Will you clean the blackboard, Joseph?"

You could hear the gang laughing, as though Joseph was some kind of name like Clarence or Reginald or something like that. Joey, that's my name, Joey Esposito. Is it any sissier or worse than the rest of the gang's—Petey Curcio, Frankie Grillo, or Benny Sennella?

As I walked up the aisle, the big geography books began to open on all the desks around me. I turned around to see Petey in the last row, last seat. He made a face at me with his finger to the tip of his chin, acting cute, and then spread the geography book across his head like a sunbonnet; Frankie was fluttering his eyelashes at me over his fanning fingers, as if he was a girl; and Benny Sennella monkey see monkey do, was doing the same as Petey with the geography bonnet with his little rat-teeth. When Miss Frazer finally looked up from her desk, they all froze into innocence like a bunch of plaster saints.

Furiously, with big sweeping arcs, I attacked the blackboard and in ten seconds flat it was all cleaned and streaked with chalk rainbows. I went back to my seat, keeping my head down.

"Thank you, Joseph," Miss Frazer said.

For the rest of the morning I didn't look up from my book and when the twelve-o'clock bell rang, I jumped out of my seat and ran for the door.

"Hey, Joey!"

It was Petey. But I kept right on going and ran all the way home.

On the way back to school after lunch I heard them coming behind me. It was the gang, just as quiet as if they were wearing sneakers, which they weren't. Petey, Frankie and Benny stood around me, all of them with their hands in their pockets, copying Petey because he was the oldest and toughest.

"Hi, Petey," I said, exciting my voice as if I was glad to see them.

"Where you going?" Petey asked.

"It's nearly one o'clock," I said.

Petey looked at Frankie and Benny and they all laughed, like he had said or done something special. "We know what time it is." And to show off, Petey took a watch out of his pocket with tobacco crumbs around the inside rim where the crystal should have been. "It's ten minutes to one. But I didn't ask you what time it was. I asked you where you was going."

"To school," I said, naturally.

"He's going to school," Petey said to the others, as if they didn't hear me. They laughed with one another, walking alongside of me.

"We're playing hooky this afternoon," Benny said, stepping in front of me and walking backwards.

Hooky! No, sir! They weren't getting me to go on no hook with them. They could have the truant officer after them and they could be sent to the Protectory if they wanted, but not me. Oh, no! They didn't have an old man like mine, a strop-swinger who could make your pants sizzle for an hour just for being late, let alone going on the hook.

(Continued on page 53)

The little stinker began hopping around me like he was an Indian and I was a bonfire. For a second I lost my temper

ILLUSTRATED BY BARBARA SCHWINN

'Something's Wrong with

Many judges and lawyers think so. For jurors often are not qualified

By Federal Judge JEROME FRANK

The JUDGE *vs.* the JURY

Among our basic institutions it is probable that we take none as much for granted as our jury system. Trial by jury always has been a hallowed part of our heritage; its rightness is so universally accepted that criticism of it is a rare event.

It's even bigger news when the critic is himself a judge of the second highest court in the land. In the accompanying article, Jerome Frank, Judge of the United States Court of Appeals of the 2nd Circuit, poses some sharp questions about our jury system and comes up with the conclusion that it is "by no means all it's cracked up to be." Judge Frank, a former lawyer, once chairman of the Securities and Exchange Commission, and always an outspoken figure in his years of public life, argues for the outright abolition of juries in civil cases, or for their drastic reform, as well as for the reform of criminal juries. Among his highly provocative proposals for reform: Ban jury duty for anyone who has not previously had a course in jury functions; make it mandatory for jury candidates to undergo psychiatric tests; and, in certain cases, use juries with special knowledge of the particular field in which the litigants are engaged. THE EDITORS

IF a surgeon were to call in 12 men untrained in surgery, give them an hour's talk on the instruments used in appendectomies, and then let them remove a patient's appendix, we would be appalled. Yet similar operations on men's legal rights are performed every day by juries, amateurs entrusted with the use of legal rules which lawyers and judges understand only after long special training.

No sensible business outfit would decide on the competence and honesty of a prospective executive by seeking the judgment of 12 men and women, taken from a group selected almost at random—and from which all those had been weeded out who might have special qualifications for deciding the question. Yet juries chosen in this way are given the job of ascertaining facts on which depend a man's property, his reputation, his very life.

That man may be you, for no one is immune from lawsuits. Your landlord may sue you on your lease. Someone may assert in court that you broke your contract to sell him your house. The driver whose car you bumped one Sunday afternoon may bring an action against you for a broken leg. You may be charged with falsifying your income-tax return or violating the antitrust laws. If any such case is tried before a jury, the decision will depend on that jury's verdict. The way jury trials are conducted is, then, pretty serious business for every one of us.

Thomas Jefferson described juries as "the best of all safeguards for the person, the property and the reputation of every individual." His words have been so often repeated that the man in the street regards it as gospel that no better form of trial could be imagined. Many of our lawyers and judges feel the same way.

Increasingly, however, in recent years, eminent members of the bench and bar have expressed a contrary opinion. One of our wisest judges, Learned Hand of the United States Court of Appeals, said he was "by no means enamored of jury trials, at least in civil cases." He also said of such trials: "As a litigant, I should dread a lawsuit beyond almost anything short of sickness and death." The late Supreme Court Justice Oliver Wendell Holmes said he had "not found juries especially inspired for the discovery of truth," and the late Chief Justice William Howard Taft believed that civil-jury trials should be abolished.

A well-known jurist warned me that if I publicized such views I would expose myself to severe criticism. But I think those views are justified and that the public should learn that the jury system is by no means all it's cracked up to be.

This conclusion stems from reflection on the methods jurors often use to arrive at their verdicts. For there is a world of difference between the theory and practice of jury trials.

At the beginning of a trial every juror takes an oath, as a public official, that he will "well and truly try the matters in issue and a true verdict render according to the law and the evidence." After the evidence and the lawyers' arguments have been heard, the judge addresses—or "charges"—the jurors. He describes the "law"—the legal rules—which, he says, must govern their verdict. He instructs them that it is their sworn duty to apply those legal rules, whether or not they like them, to the facts they "find"; that their "finding" of the facts must be based entirely on the evidence they have heard during the trial, and not on any personal knowledge; and that they must dismiss from their minds all bias for or against either party to the suit, and act fairly and impartially.

Inside Story of Verdict Isn't Told

The jurors then retire to the jury room for secret deliberations. If they agree on the result, they come back to the courtroom and report their verdict. They are not required to, nor do they, give any explanation whatever of this verdict. What went on in their secret session, whether they acted in accordance with their oaths and with the judge's instructions—this the judge very seldom learns.

But it is known, through later interviews with jurors, that juries frequently pay no heed to what the judge tells them to do. In many a civil trial the jurors decided for one side or another on the flip of a coin. In one instance the jurors agreed to draw a number between 1 and 100, the decision to be that of the juror whose age came closest to the number he drew. Then, too, there are cases in which one of the jurors who disagreed with the others surrendered his honest judgment because he mistakenly thought he had to go along with the majority, or because the other jurors threatened him, or because he was anxious to go home.

Of course not all juries behave this way. But there is reason to believe that if full reports were made on all jury deliberations, public confidence in jury trials would be badly shaken.

In his 1932 book, Convicting the Innocent, Edwin Borchard, Yale law professor, revealed an alarming number of cases in which innocent men were convicted in jury trials—several of them for murdering persons who were later found to be still alive. He noted that when a sensational crime occurs the jury often succumbs to the public demand for a scapegoat.

Since Borchard's book there have been many other such demonstrated tragedies. In 1938, a New York jury found Bertram Campbell guilty

OUR JURY SYSTEM’

for their job. And sometimes they reach a verdict by flipping a coin

of passing forged checks. In 1946, after Campbell had spent eight years in jail, another man confessed to the crime. The court then vacated Campbell's conviction. The state of New York awarded him $115,000 for the wrong it had done him. But he died three months later. In Colorado, Loren Hanby, after serving six years of a life sentence for murder, was found innocent and pardoned in 1946. Only last June, in New Jersey, Clifford T. Shephard received the governor's pardon as an innocent man after he had already completed his sentence of 18 months for forgery.

If there have been such mistaken verdicts in criminal cases, it is most unlikely that similar mistakes have not often happened in civil cases. A wrong decision in a civil case may also spell tragedy. When, through a jury's mistake, a man loses his savings, his business or his job, then his life may also be ruined.

In some criminal cases, like Campbell's, the mistakes were subsequently uncovered, and the innocent victims released from jail. But we can by no means be sure that all such blunders have been uncovered and rectified. Maybe—although I doubt it—all those mistakes would have been made just the same by judges deciding in juryless cases. Maybe they were made by jurors who acted conscientiously. But no one knows. Some of those tragedies may well have resulted from dicebox verdicts or from other irrational and improper methods used by jurors. On the other hand, similar cases may have led to the acquittal of many guilty men.

You may ask: Won't judges do their best to discover whether the jurors have decided by lot or flipping a coin, or by otherwise disregarding the trial evidence or the legal rules? Won't most such verdicts be overturned? The answer, unfortunately, is no.

What Courts Prefer Not to Know

For the truth is that, in general, the courts don't want to know, and won't permit themselves to learn, how juries reach their verdicts. Most courts have this amazing rule: After a jury has reported its verdict and been discharged, the judge is ordinarily not allowed to listen to jurors who offer to swear that in the jury room the members of the panel had not complied with their oaths—although usually only by such testimony can jury-room misconduct be learned. In one typical case, after a Negro had been convicted of a crime, a Negro juror wanted to testify that he had voted for conviction because the 11 white jurors had intimidated him. The court said that, were this true, of course the conviction would be vacated. But it also said that this fact could not be proved by his testimony—the only method of proof available.

HANS KNOPF

Judge Jerome Frank

The courts give this reason for this rule: If a judge were allowed to consider such revelations by jurors after a case was over, then jurors might be subjected to improper pressures by the losing party to upset the verdict—and, under those pressures, the jurors might lie about what had occurred during their deliberations. That is an unconvincing reason: Jurors are not more likely than other men to testify falsely.

Some judges have given a different reason. If, said Judge Learned Hand, the courts were actually to apply the test "that every juror has been entirely without bias, and has based his vote solely upon evidence he has heard in court," it "is doubtful whether more than one in a hundred verdicts would stand such a test." No one knows, of course, whether that percentage is precisely correct. But it does seem that many courts are unwilling to inquire closely into this skeleton in our legal closet because of an apprehension that the disclosures would cause the collapse of the jury system—as it now operates.

We ought, however, not to blame jurors if they do not always behave as they are supposed to, since the duties imposed upon them are often impossible to discharge. For one thing, jurors are supposed to discard all sympathy, passion or prejudice. But do trial lawyers generally aim to pick jurors capable of acting impartially? Look at any one of a large number of books by reputable trial lawyers, books designed to be read by other lawyers, not nonlawyers. There you will find the lawyer advised that in many types of cases, he should seek the sort of juror who "will most naturally respond to an emotional appeal," and that, as the jurors' "judgment is more easily deceived" when their "passions are aroused," the lawyer has an obligation to make the best use of that weakness in his client's interest.

Lawyers Misuse Acting Talent

Prominent trial lawyers boast of "hypnotizing" juries. They regard themselves as master actors before audiences of 12 each. Since such are the acknowledged aims and beliefs of lawyers who daily deal with juries, it is folly to think that most jurors will be able to decide solely on the basis of the evidence. The jury lawyers, however, should not be censured for the methods they use. Most of those methods are the natural accompaniments of trial by jury.

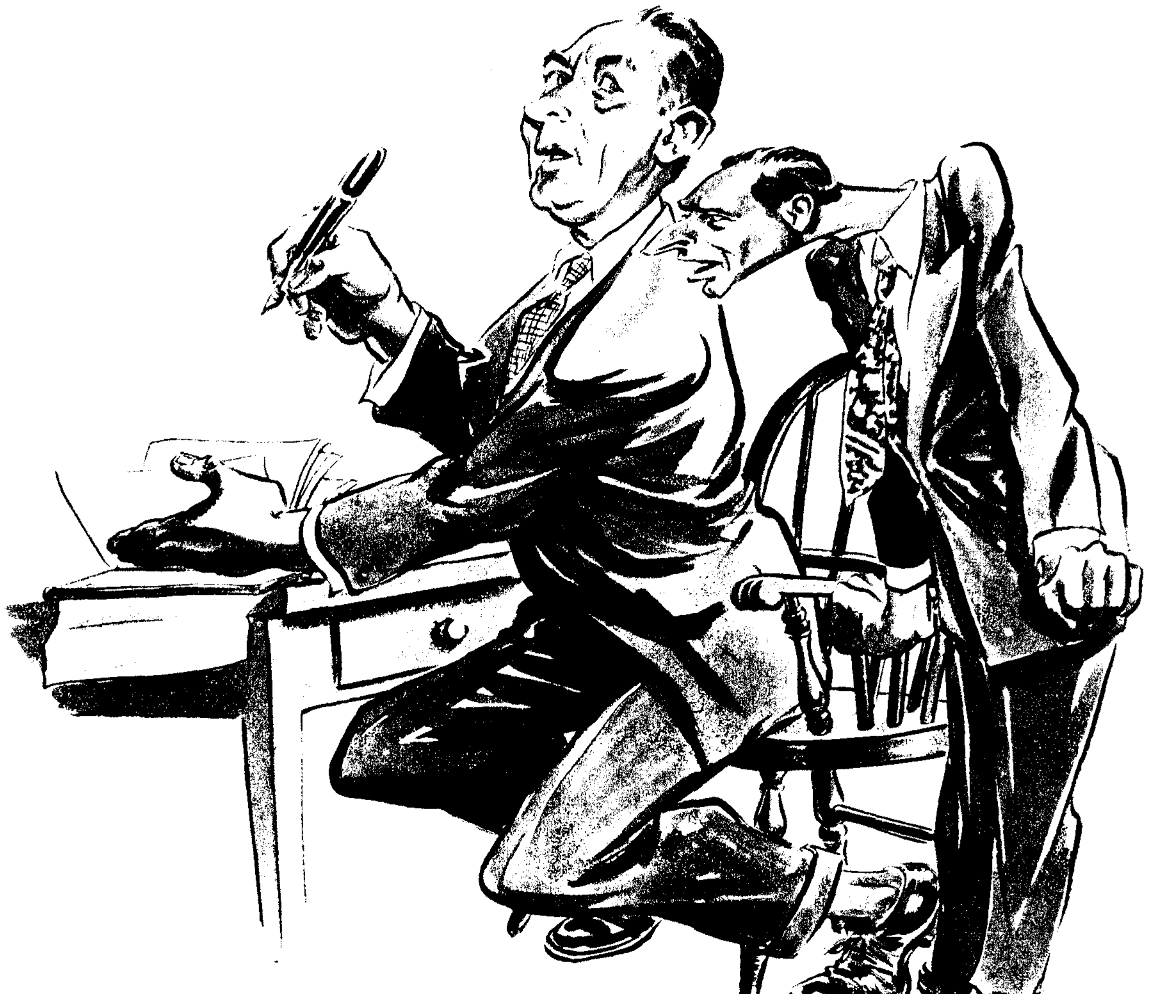
Some lawyers maintain that since jurymen, in their own daily out-of-court affairs, reach many decisions about facts after listening to other persons, they are admirably equipped similarly to find facts in the courtroom. That is a slimsy argument. Not only are the issues of fact in some trials of an unusually complicated character—involving intricate details of engineering, chemistry, physics, medicine or accounting—but the surroundings in any jury trial differ greatly from those in which the jurors conduct their own affairs.

No juror is able to withdraw to his own room or office for individual reflection. After the judge instructs them, the jurors are cooped up in the jury room and urged to come to a joint decision in a few hours—scarcely a good atmosphere for conscientious deliberation. It is well known that sheer fatigue often plays its part in coercing a reluctant minority, or the desire to escape bickering and to get home. Even 12 able judges, conferring together in such circumstances, could not function effectively.

Another large obstacle with which jurors have to contend takes the form of "exclusionary" rules of evidence. Those rules bar the jury from hearing an immense amount of important testimony without which, often, no one—no matter how competent—could possibly get near the true facts of the case.

One such rule is that which, in jury trials, excludes "hearsay"— *(Continued on page 64)*

THANKS for



Autographing a book for a friend whose name you can't recall poses a real problem. You *can* ask, "How do you spell your last name?"

THERE are two easy ways to become unpopular: one is to forget a man's name, and the other is to expect him to remember yours. All my life I have been plagued by an inability to remember names. Almost everyone, other than former Postmaster General James A. Farley (I believe that is his name) slips up at times when introductions are going round. But I not only black out whenever someone pops up with, "I bet you don't remember my name," I actually go out of my way to earn a new enemy, as when I first met Miss Helen Hayes in person.

I had seen this remarkable actress as early as 1919 when she appeared as a child prodigy with William Gillette in Dear Brutus. Now in 1928 she had grown up and become quite famous and was married to playwright Charles MacArthur, a good friend of mine.

Charlie persuaded Helen that her education was not complete unless she met me, "a most peculiar fellow, indeed," as he put it.

At that time I was managing editor of the New York Morning Telegraph, a newspaper largely concerned with two pleasant necessities for well-being: race horses and actresses. The day when MacArthur and his collaborator, Ben Hecht, escorted Miss Hayes to my office, I had been admiring a photograph of one of the young woman's competitors in the theater, Miss Helen Menken. When MacArthur introduced me to his wife, what do you suppose I did?

I stammered out, "Won't you sit down, Miss *Menken?*"

Although we afterward became fast friends, Miss Hayes avoided me for at least a year. That she is a forgiving lass is evidenced by another experience suffered by her, this time at the hands of the late John Barrymore.

MacArthur was one of the renowned actor's cronies. Charlie informed Jack one day that Miss Hayes admired his interpretation of Hamlet above all others.

"Take me to see the lady at once," said Barrymore.

When Barrymore met Miss Hayes at her home in Nyack, New York, he astounded her by saying: "Thank Heaven for this moment! Why, do you know, I used to worship you from afar; in all truth I idolized you?"

The nonplused Miss Hayes managed to get in the words, "Well, now," when Barrymore continued as if addressing something in a shrine: "Even as a boy I'd sit there entranced. And I suppose I saw you ten times in Peter Pan, my glorious lady, and upon each occasion I fell in love with you anew. Egad! How do you manage to keep so lovely?"

"You have an excellent memory," Miss Hayes said somewhat unhappily.

Then, while Barrymore was inspecting some Victorian knickknacks in the living room, it occurred to Miss Hayes that the woolgathering gentleman had mistaken her for a much older actress, Miss Maude Adams.

Sometimes my malady has struck twice on the same day, as in 1933 when one of my books was published. A young and buoyant friend, H. Allen Smith, called at my New York apartment with one of my oven-fresh books under his arm. Smith had not yet achieved fame as an author but already was well-known to the Big Town as a newspaper reporter.

"Will you autograph this book?" and Smith lent me his fountain pen.

I began a chummy inscription on the flyleaf. Then I tried to recall his name, but could not. So I wrote another sentence, one of adulation. Again the man's name slipped my stalled mind. I wrote on and on, expressing great devotion to my "anonymous" caller; then, having come to the bottom of the page, I resorted to an old trick of mine:

"Just *how do you spell* your last name?"

Mr. Smith glared for a moment, then spelled out his name with a kind of slow hiss: "S-M-I-T-H, you dumb so-and-so!"

Shocked by my witless betrayal of a good friend, I went for a walk on Sixth Avenue, my favorite New York street until they pulled down the old el and changed the name of the thoroughfare to "Avenue of the Americas."

On Sixth I ran smack into a friend of many years, the journalist and playwright Willard Keefe. We stood talking for perhaps five minutes, filling in the months since we last had seen each other. Then, quite suddenly, and with no warning of any sort, my fiendish memory threw me up for grabs.

"Tell me," the Devil prompted me to ask, "whatever became of Willard Keefe?"

One of the routine matters that a newspaper reporter learns is to set down correctly the names for his stories. When a person's name is manhandled in print, the offended party cancels his subscription, and may even sue the newspaper. The late Elisabeth Marbury, for example, would write letters of protest if a "z" instead of an "s" were put in her given name. Even Jane Addams of Hull House demanded the extra "d" at all times.

An Assignment in Philadelphia

My editors were constantly on the alert for name distortions whenever my copy reached the desk. One of these editors, the able and patient Martin Dunn, saved my job at a time when I reported the Irish Race Convention in Philadelphia in February of 1919. It was early in my New York career, and every out-of-town assignment seemed a glad adventure in a world that belonged to the beautiful and the brave.

The high light of the Irish Race Convention was an address by His Eminence James Cardinal Gibbons. That prince of the church was then eighty-five years old, brilliant, beloved by men and women of all creeds and classes.

After I had written the news story of the meeting of Irish patriots, I decided to go to the episcopal residence of the Cathedral of Saints Peter and Paul, where the cardinal was staying as a guest, to seek an interview with His Eminence. Although it now was past the bedtime of the grand old prelate, he sent word that he would see me. When he entered the reception room his benevolent personality seemed to walk in ahead of him.

Until now I had seen but one other churchman of such high rank, His Eminence John Murphy Farley, in 1912, when he dedicated the Cathedral of the Immaculate Conception in my native city of Denver. In 1919, Cardinal Farley, Archbishop of New York, had been dead for perhaps a year.

The interview with the aged Cardinal Gibbons was one of the finest experiences I ever had. And I felt then as I now know for a fact that the greater the man the simpler his ways. The beauty of soul that blessed every word and action of this unpretentious prince of the church made one forget a reporter's world of scandal, tragedy, intolerance and greedy conflict.

As if replying to an unasked question, the cardinal said: "The basis of piety is self-denial."

Then he spoke of friendship as a precious privilege, and I respectfully told His Eminence that only a few days before this I had interviewed the famous old orator and ex-Senator Chauncey M. Depew, and that Senator Depew also had spoken on the subject of friends.

"The senator," said Cardinal Gibbons, "was born the same year as I was—1834. What did he say about friends, my son?"

"He said that he now is so old that all his playmates are dead, and that he is very lonely."

The cardinal then observed with a twinkle, "Ah, I have been more careful than the senator. When I was young, I made friends among older men. Then, when I grew old myself, I made young friends. So, you see, I never have been without friends all around me."

Uplifted by this interview, and feeling important because I had obtained it "on my own," I wrote and

ILLUSTRATED BY WILLARD MULLIN

the MEMORY

By GENE FOWLER

Being the sad confession of a journalist who can remember the "what" and "where" of a news story, but never the "who." Once he even forgot the name of a good friend—named Smith

filed a column at the telegraph office. I had a late supper, then upon my return to the hotel, I was given a telegram from editor Dunn. As I recall it, Mr. Dunn wired me:

> "CONGRATULATIONS UPON OBTAINING THE MOST IMPOSSIBLE STORY OF THE CENTURY. THE LIBERTY BELL IS NOT THE ONLY THING IN PHILADELPHIA THAT IS CRACKED."

Now what had I done? Perhaps I should go to the telegraph office and inspect my copy on file there. And all during the ride in the taxicab at midnight, I kept saying inside myself over and over, "Now what have I done to Martin Dunn, and what has he done to me?"

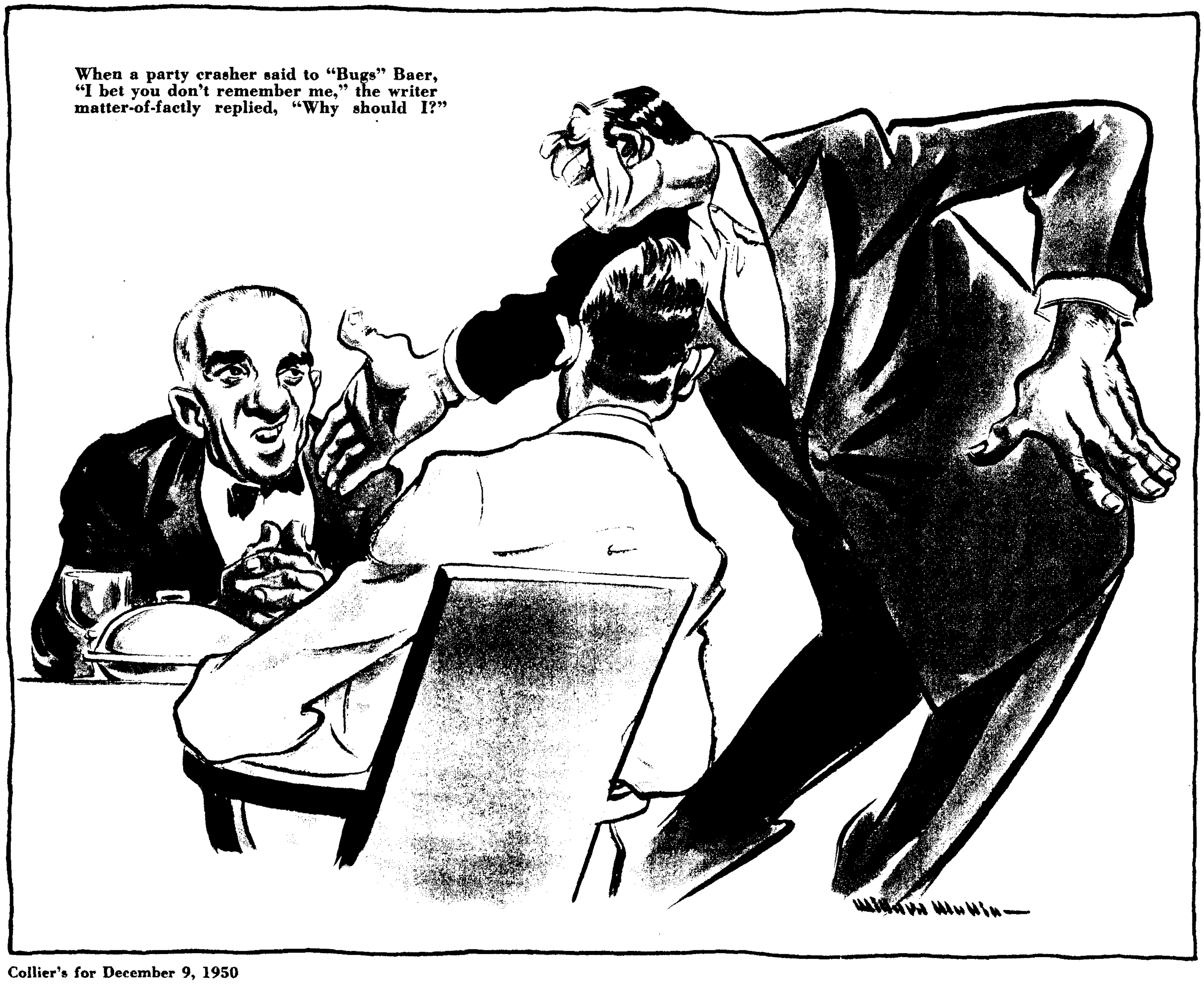
At the Western Union office, I persuaded the clerk not to lock up the place for the night until he found my story on Cardinal Gibbons and allowed me to read it.

"Are you ill?" he asked as I looked at the typewritten dispatch.

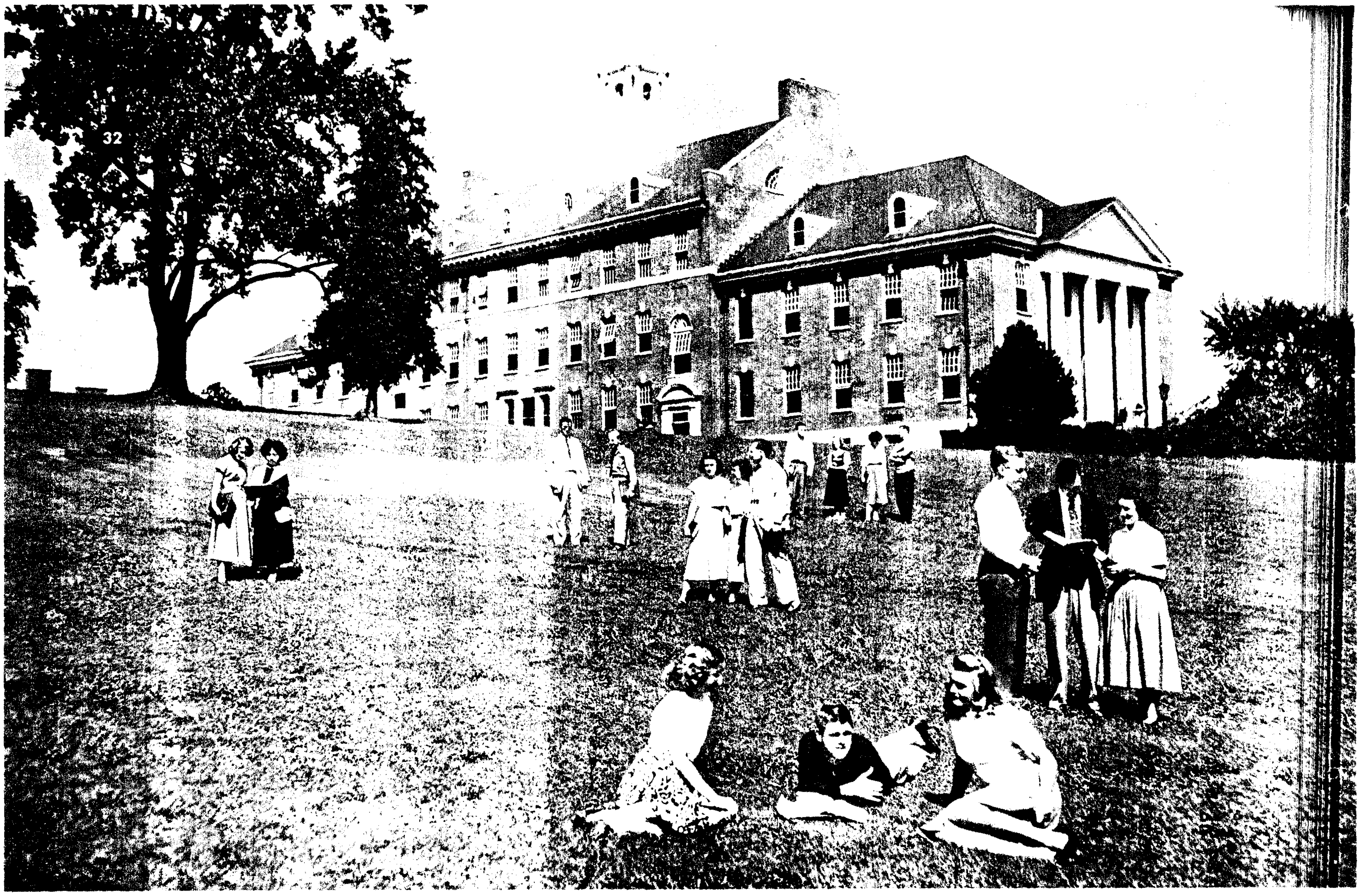
My cursed habit of getting names wrong confronted me on these pages. All through the copy I had quoted the dead Cardinal Farley instead of Cardinal Gibbons!

After numerous mistakes of this kind had been made, I found myself one time in 1928 in Northampton, Massachusetts, reporting the disappearance of a college girl. I suppose I must have some sort of dislike for the name "Smith," for this girl's name was Smith, and she had been a student at Smith College. It so happened that I got the girl's name correctly, but learned soon enough—again from the patient Martin Dunn—that I had telegraphed the college's name as "Vassar." Mr. Dunn's prompt wire of reply advised me to consult a map of New York State.

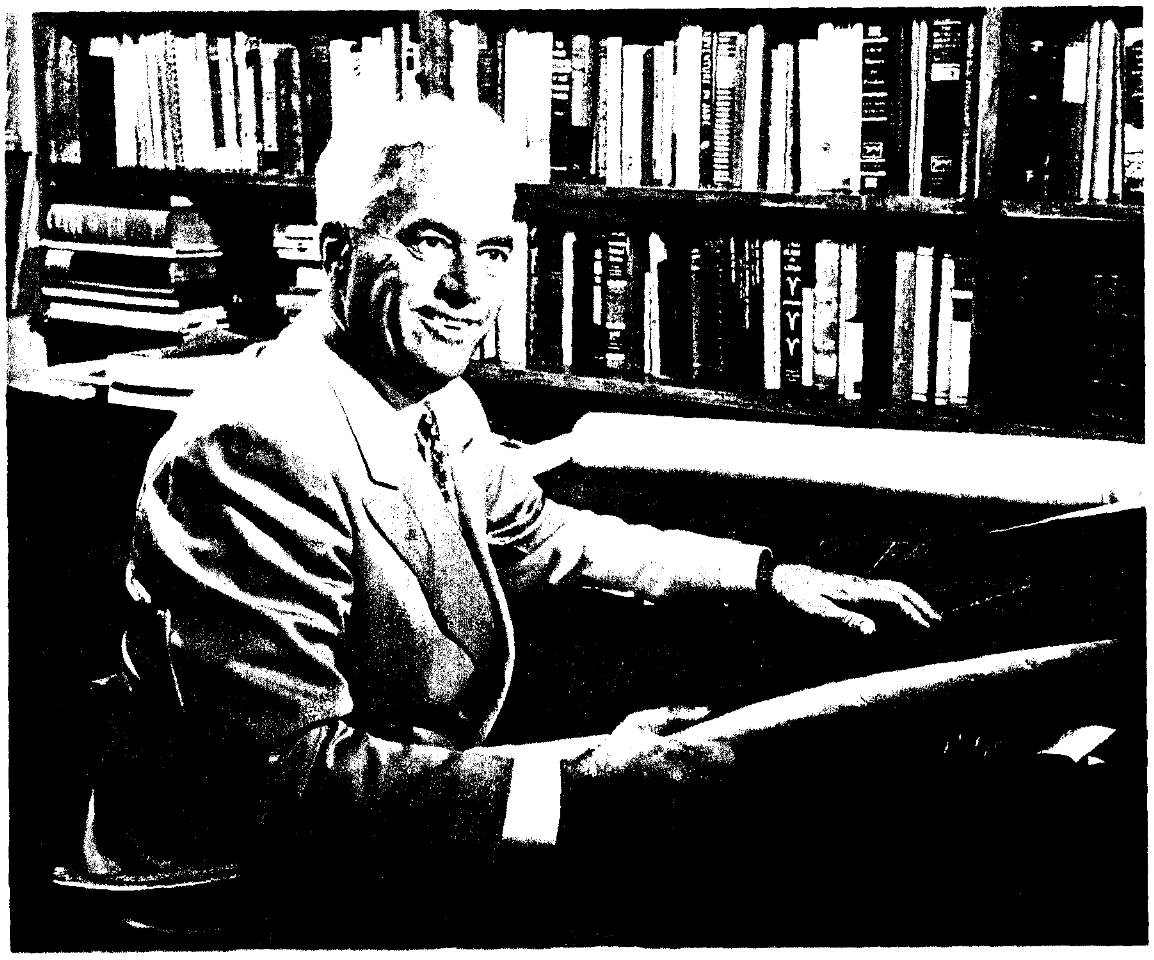
Unsettled of mind, I considered taking one of two courses to mend my defect in respect to names. One was to throw myself into the Connecticut River, where searchers were looking for Miss Smith's body. The other was to consult a noted investigator, the celebrated psychologist Dr. Lydiard H. Horton. Dr. Horton was on the staff of the Boston Psychopathic Hospital, had collaborated with Dr. Morton Prince on the Journal of Abnormal Psychology, lectured at the Boston University School of Medicine, was vice-president of the American Psychopathological Association, was a recognized authority on the life and works of the French philosopher and scientist *(Continued on page 80)*



When a party crasher said to "Bugs" Baer, "I bet you don't remember me," the writer matter-of-factly replied, "Why should I?"



Dominating the university's 1,300-acre campus is the botany and physics building, one of 80 structures, mostly of colonial design



Byrd, in the president's small office, pursues a favorite occupation—poring over blueprints. His current building projects will cost nearly $9,000,000, and he has asked legislators to approve another $14,000,000 worth, including a huge airfield

The university gives Marylanders many services. Here's a class in its fire-fighting course for state smoke-eaters

PHOTOGRAPHS FOR COLLIER'S BY STANLEY OLDS

Maryland's Busiest Byrd

BY SIDNEY SHALETT

Curley Byrd, the old quarterback in prexy's clothes, has built the state's university into a top school. He's rated an able educator, but his heart is still with the football team

IN THE state of Maryland, citizens have come to look on Dr. Harry Clifton (Curley) Byrd, a silvery-locked onetime football player and coach turned university president, as no ordinary man but as an entire cast of characters. The ebullient Byrd, now undisputed boss of the University of Maryland, one of the briskest and most all-encompassing emporiums of wholesale learning on the Eastern seaboard, has become, literally, all things to all people.

To the budget-conscious State Assembly at Annapolis, for instance, he is a sort of Blackbeard the Pirate, yet he's the pleader to whom they can't say no. To housewives and farmers, who can call on President Byrd's fabulous extension services for advice and help on anything from hemstitching slip covers to nursing care for pregnant sows, he is a combination of the Great White Father and Santa Claus. To the athletic-minded youngsters of his 1,300-acre campus at College Park, Maryland, he is a superman who has made Maryland a national football power and has given them a $1,300,000 stadium. And, to his most implacable corporate foe, the old and influential Sunpapers of Baltimore (the Baltimore Morning and Evening Sun), he is Beelzebub in cap and gown, an ambitious schemer who is trying to pillage the Maryland treasury and regiment the entire youth of the state.

As for Byrd, he regards himself—usually serenely, depending on how hard the Sunpapers have been needling him—as a Galahad of education, a defender of the American way and a stanch builder of Maryland, the state as well as the university. It is a tribute to the man that all of his viewers, himself included, can make out a pretty plausible case for thinking as they do.

Byrd's philosophical approach to action of any sort is: If you can't lead 'em, lick 'em; if you can't lick 'em, join 'em, and if you can't do either, seduce them. He has practiced this successfully scores of times in political, athletic and plain mudslinging affrays. Curley himself tells the story of how four faculty members, jealous of his rising power, set out to get him back in 1914, when he was a mere English instructor and football coach. This quartet was responsible for supervising the student newspaper. They ganged up on the editor, a student named Green, and told him the next issue could not be published unless it contained an editorial criticizing Byrd. Green, all rattled, went to Byrd and asked him what to do.

"That's easy," boomed Byrd, who used to be a newspaperman himself and who was doubling at that time as a sports columnist for the Washington Evening Star. "Run the editorial, by all means. In fact, I'll help you with it."

Gently pushing Green into a corner, Byrd sat down at his typewriter and banged out a red-hot anti-Byrd editorial. He denounced himself as a dictator, a schemer and an all-round bad influence, and even dropped some hints that his personal life might not be above reproach. "Now, have that set in type and bring me a galley proof," he told the student-editor.

When the proof was ready, Byrd took it to Dr. H. J. Patterson, then president of the school, and told him the story of how the four professors had ordered the attack on him; the only detail he neglected to mention was the little matter of his having written the scurrilous editorial. "Are you going to stand for this sort of thing?" he demanded. Patterson slammed the offending proof on his desk, ordered the editorial killed and, instead of curbing Byrd, he promoted him to director of all athletics.

Years later, as president of the university, Curley used a variation of the same trick on a hostile finance committee chairman of the State Assembly. In an attempt to swamp a Byrd request for a $1,200,000 building program, the chairman had a couple of cronies tack a few blatantly pork-barrel projects onto the university appropriation bill in order to assure its defeat. Byrd caught on and personally began buttonholing all the Assemblymen he could find, urging them to add riders of their own for new bridges, city halls, swimming pools and other items for their home counties.

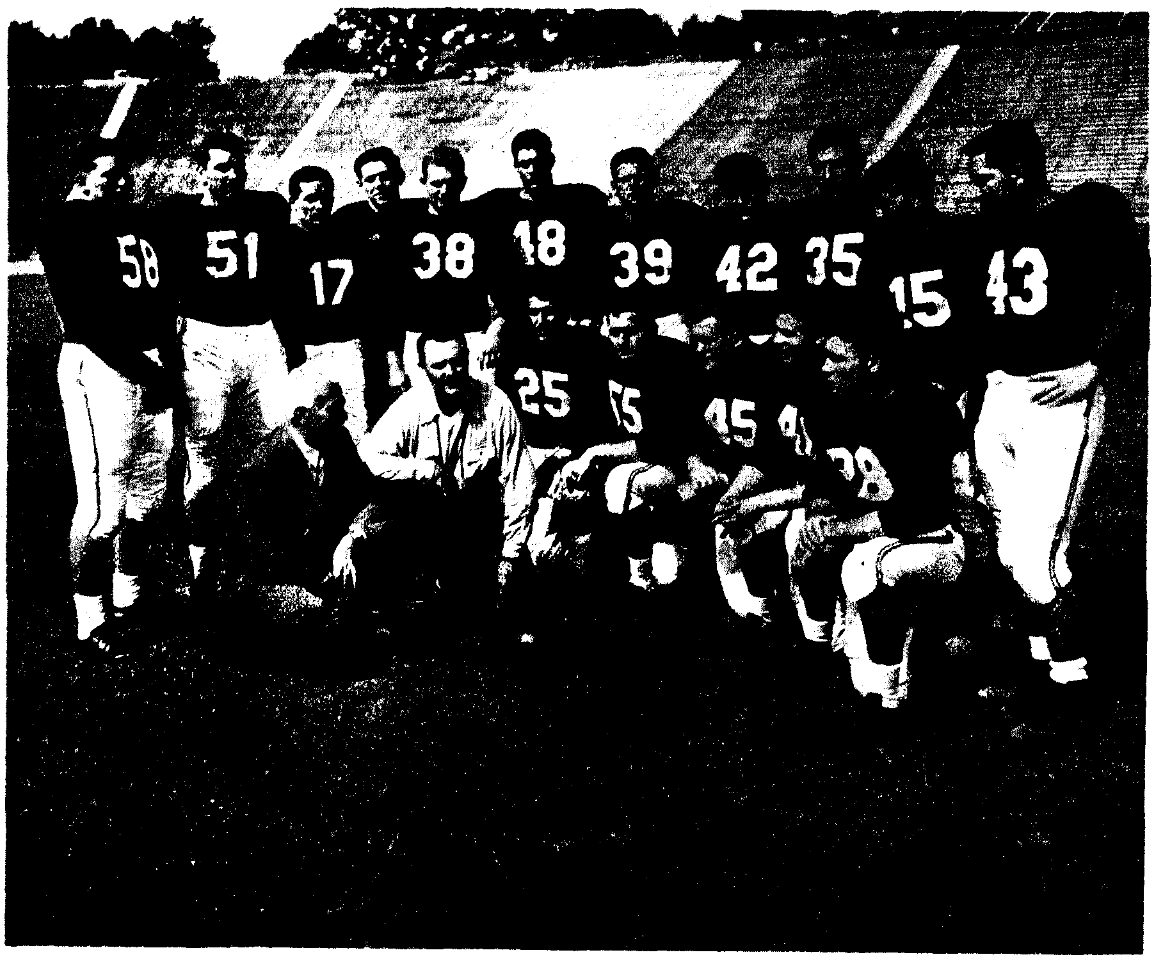
Finally, the total reached about $30,000,000, but, since nearly every legislator had a stake in it, its passage was virtually assured. The governor and the finance committee chairman had to send for Byrd and ask him to talk the boys back down to a bill of reasonable size. Among the items not scrapped was one for Curley's $1,200,000.

Even Byrd's detractors do not attempt to deny that the story of Curley Byrd is the story of the University of Maryland. If you measure it in terms of physical growth, prosperity and the apparent well-being of its satellites, it has been an unqualified success story. The school has become so big that even President Byrd, with all his energy, cannot make himself known to all his students.

Not so long ago a determined-looking girl, whom Byrd didn't know, burst into his office unannounced, sat down and told him she had been going to school there for four years, was graduating next month and just didn't want to leave without being able to say she'd had at least one conversation with the president of her alma mater. "I let her talk for 15 minutes," Byrd says. "Very interesting girl. Well educated, too."

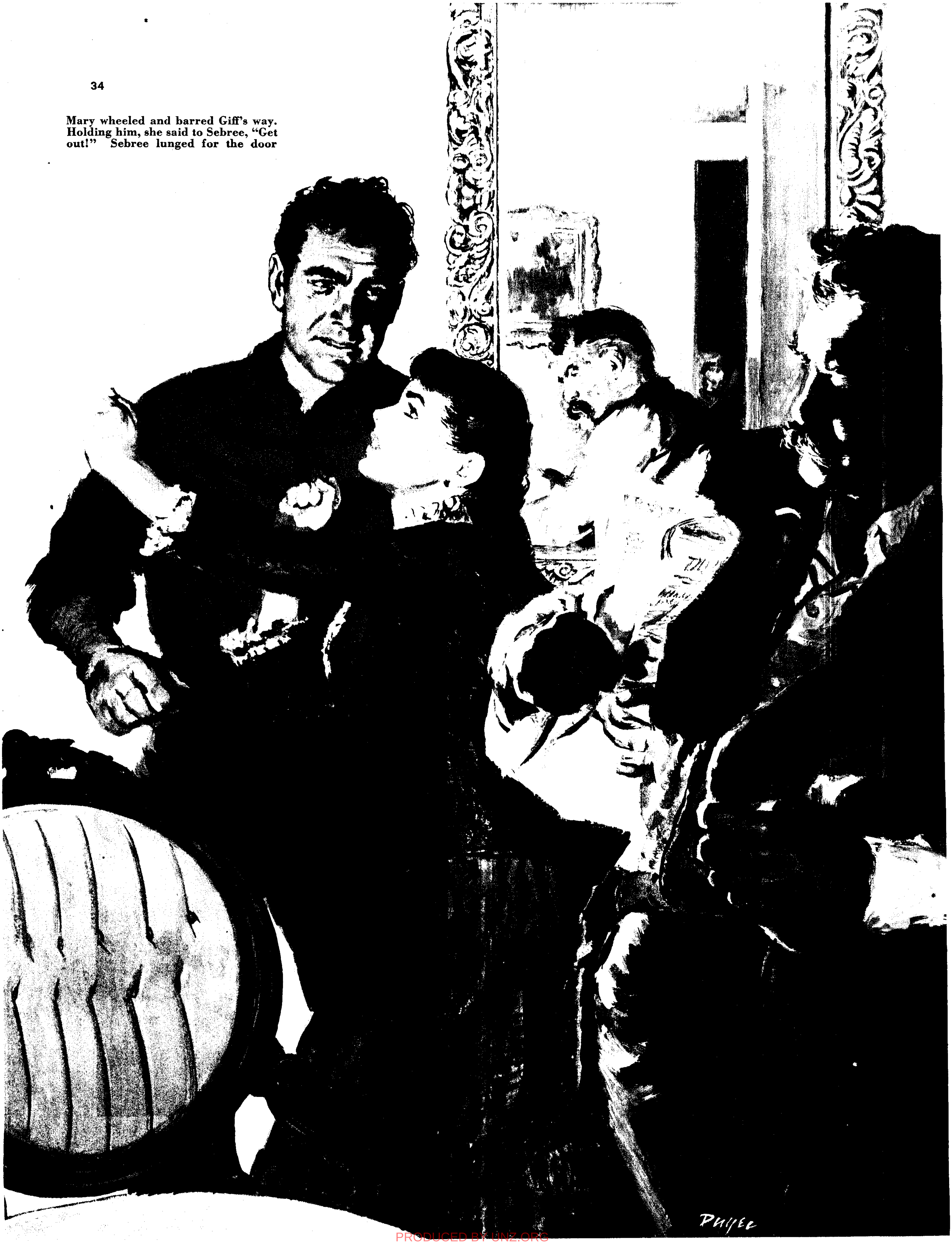
Reasonably unbiased critics also will admit that, while the University of Maryland may lack the reputation of Harvard, Princeton or Chicago, one can pick up an excellent education at the university's nine separate colleges and five separate professional schools, which do not include the extensive summer or graduate schools. When Byrd, the part-time sports writer, ex-prize fighter, erstwhile professional baseball player and all-around athlete, first joined the staff of his old alma mater, then known as Maryland Agricultural College, in 1912, the institution was an apathetic, privately owned cow college. The plant consisted of a 300-acre campus on the outskirts of Washington, D.C., and, as Byrd recalls it, four buildings. The enrollment was 126.

By 1936, when he became president, the number of college buildings had grown to a couple of dozen, largely due to Curley's *(Continued on page 85)*



Byrd, left, and Coach Jim Tatum with some members of the squad which propelled Maryland into the football limelight early in the season with a decisive win over Michigan State. Curley returned to his alma mater in 1912 as an English instructor, but coached on the side

Mary wheeled and barred Giff's way. Holding him, she said to Sebree, "Get out!" Sebree lunged for the door



Play A Lone Hand

[illegible] Sebree's [illegible] was only waiting for the command to do his death [illegible]. Giff was the intended victim and yet, in the end, it was Giff who gave the command

By LUKE SHORT

The Story: Only CASS MURRAY befriends GIFF DIXON when the cowpuncher is brought to Corazon, in the year 1883, to recover from mysteriously inflicted buckshot wounds. Cass gets him a job with Special Agent VINCENT WELLING and Surveyor BILL FISKE, who have come to the New Mexican town to investigate land claims for the government. No sooner does Giff take the assignment than he runs into trouble; PERRY ALBERS, the printer for the local newspaper, the Free Press, is shot down just as Giff is bringing him in for questioning about a local land swindle. Later Giff learns that a man named GRADY SEBREE, who controls the Torreon Cattle Company, is behind the swindle. In it with him are ROSS DEYO, chief of the local land office, and EARL KEARIE, publisher of the Free Press; and a vital part of the fraud is the publication of false land claims in fake issues of the paper. The scheme is big enough to include a U.S. senator, who owns Torreon stock—and Special Agent Welling wants no part in exposing it. Fiske, though game, is not strong to take on a fight of this kind; it is up to Giff to try to get hold of the April 17th issue of the newspaper (supposed to have listed five fake homesteaders) as evidence against Sebree.

Pretty MARY KINCHEON, who works at the Free Press office, helps Giff place a reward notice for the missing newspaper, but the search seems hopeless. No one in Corazon will buck Sebree. One man, ARTHUR MILES, is killed trying, and the killing made to look like suicide. After GUS TRAFF, Torreon foreman, has his jaw smashed in a fight with Giff, Sebree begins to worry. He pays SID BENTHAM five hundred dollars to hire a gunman to take care of Giff. But Bentham has long waited for a chance to double-cross Sebree, and he tips Giff off about JIM ARCHER, the professional killer who has been told to come to Corazon, register at the Territory House, and wait for instructions. Bentham's warning seems wasted, however, because shortly afterward, through a trick, Giff is captured and held by Sebree's men for a precious ransom—two copies of the missing newspaper which are in Mary Kincheon's possession. Bentham can still help Giff by smuggling a gun to him, but fear makes Bentham flee, leaving Giff at Sebree's mercy.

CONCLUSION

CASS put up his farm tools in a corner of the livery office and then, with only mild regret at leaving his crops, faced the day's work. Sitting down at his desk, he fumbled around among the litter of papers, found the stub of a pencil and, after some hunting, an old envelope to scribble on. Tilting back in his chair, he began to make a list of things he must do that day. There were oats to order and he'd be lucky if he found any between here and Vegas. There were two rental saddles that had to be taken to Burton's for repairs. Who was it that had promised him a pair of kittens to help out old Benny, the stable tom, with his mousing?

He was trying to remember this when, through the long-unwashed front window, he made out the figure of Fiske turning into the runway of the livery. Fiske halted at the door, said good morning and came in. Cass, glad of any interruption, threw his list on the desk and watched Fiske sink into one of the chairs by the door. Fiske was wearing his duck jacket and ancient derby but he had forsaken the laced boots today in favor of a pair of flat-heeled, wide-toed, heavy farmers' shoes that Cass silently admired.

"Seen Giff this morning?" Fiske asked.

"Nope. Are you after horses?"

Fiske shook his head and said idly, "Not today; tomorrow maybe." He crossed his legs and felt gingerly the spot on his cheek where he had shaved too close that morning. "It's town work today."

Cass placed his hands on the back of his neck, swung his feet to the desk top and asked curiously, "What do you people find to do in town? Just peck at Deyo?"

Fiske smiled fleetingly. "No, it's mostly dull stuff. I'll spend this morning with the county clerk looking over the list of deeds recorded the last couple of years. Maybe for a drink and a cigar, the clerk will tell me which deeds were recorded by Sebree's men."

"I doubt that," Cass said.

"So do I." Fiske grinned again. "Funny how scared these county people are when you go to check on anything of Sebree's. They know damn' well you'll find what you're after anyway, but it's surprising how short their memories for names and dates are."

"Not surprising," Cass growled. "They know who feeds them. Torreon does and Welling doesn't."

Fiske grunted agreement.

"How is Welling making out with Torreon?" Cass asked.

Fiske shrugged impatiently. "All right, I suppose. But as big as Torreon is, the way Sebree has covered his tracks and the way he's trained his boys to disappear at sight of us, I might as well buy a house here. We may be here a long time."

Cass said nothing and the two men fell silent. Cass, looking out of the window, saw a passer-by remove his hat and face the street. Cass got out of his chair without a word and walked out to the runway. Fiske, curious too, rose and followed him.

Coming down Grant Street was a black and dusty hearse followed by four or five buggies and surreys filled with mourners. The two men watched the procession until it was abreast of them and then they too briefly removed their hats.

"Who's that?" Fiske asked after it had passed.

"Old codger named Miles, a clerk over at Edwards'," Cass replied. "Shot himself the other night. Funny thing," he went on musingly, "he used to own Edwards' store, but his real business was bucking the tiger at Henty's. Joe Henty wound up with his store finally, and Edwards bought it from Henty for a dime on the dollar. This fellow went back to work as a bookkeeper in his own store and he's never missed a night at Henty's since."

Fiske said without much interest, "That's the way it goes."

They talked a few moments longer about nothing in particular and then Fiske headed across the road toward the Plains Bar. To pick up Welling, Cass thought.

Cass went back to work. Before he was seated he suddenly remembered who had promised him the kittens; along with that came memory of the small chore Giff had asked of him yesterday. Out in the stable, he picked up the two saddles, swung one over each shoulder and tramped down the alley, headed for Burton's. After he had deposited the saddles there, he walked up Grant Street in the warm midmorning sunshine.

The sight of Welling and Fiske leaving the Plains Bar reminded him of Giff; he wondered if Giff had succeeded in placing the new reward notice in the paper that was to be out today. He doubted it, although Dixon was a lucky man. Or was it luck? Cass wondered. One thing sure, if Welling ever finished his investigation with solid proof that the government could use to prosecute Sebree and Deyo, it would be thanks to Dixon alone.

ON THE hotel steps Cass paused for a word with a rancher he knew from Isbell Canyon way. As he talked, he noticed the sign on the door of Edwards' store across the street. Even at this distance, Cass could read, "Closed For Funeral." There was a bow of black satin tied to the door handle.

He then crossed the Territory House lobby and went up to the desk. Arch Newsom, the clerk, was a man Cass did not like and seldom bothered to speak to. Without greeting him, Cass turned the big ledger which lay open on the desk, so that he could read it.

Newsom said, "Expecting somebody?"

"Yes," Cass said, not looking up. "Drummer for an implement company."

"What's his name?"

"That's it, I've forgotten. If I see it, I'll remember it." With a small feeling of pleasure Cass saw the name of James Archer on the register at the tail end of the list. He murmured, "Archer—Archer—No, that's not it. What's this Archer look like?" he asked the clerk.

"He's no drummer," Newsom said disdainfully. Then he frowned, saying, "Funny thing, damned if I remember what he looks like. Cowman, though."

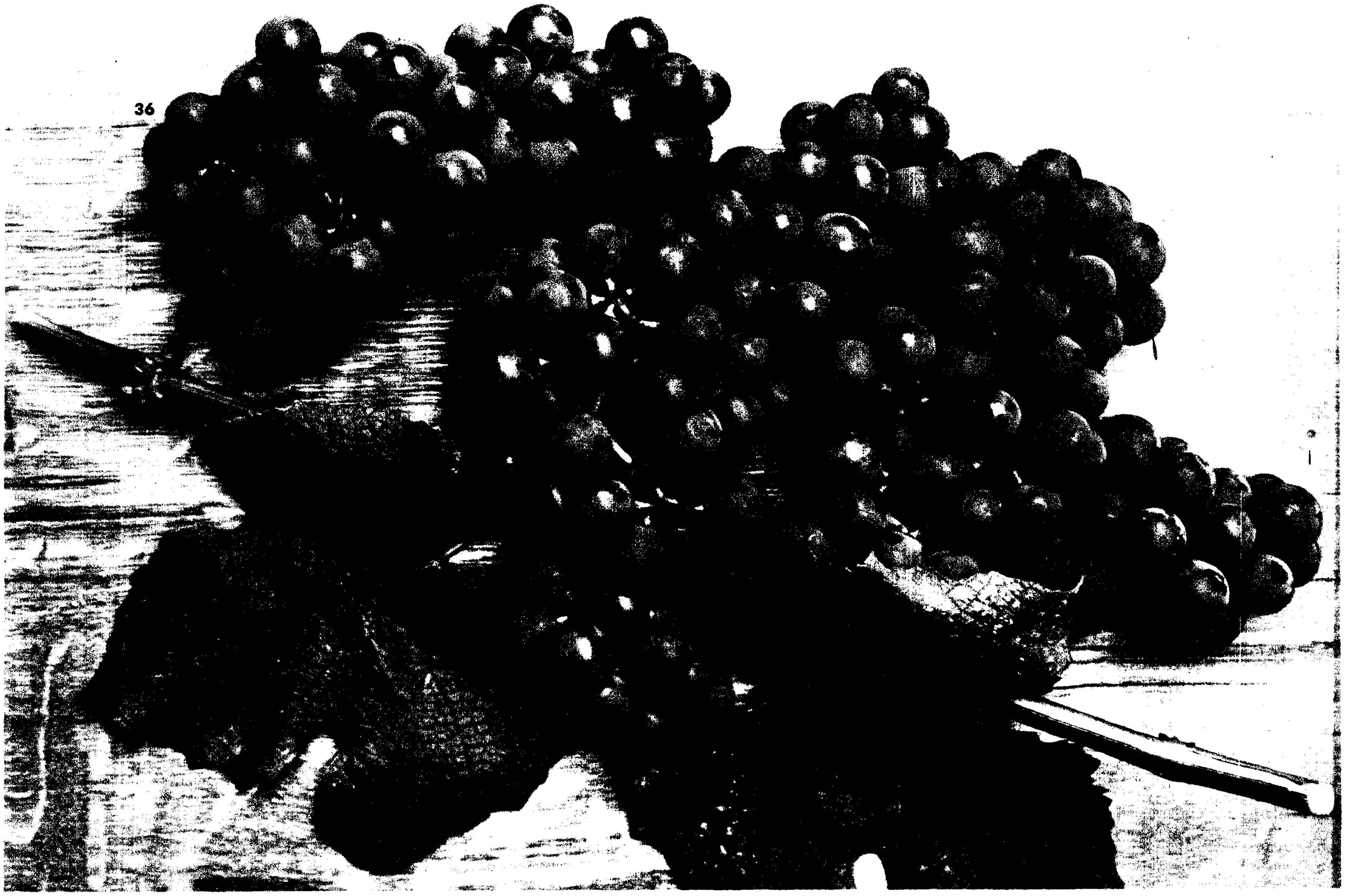
Cass thanked him and went out. On the plankwalk he halted, remembering Giff's further request. He supposed there was no immediate need to tell Giff of Archer's presence, but now that the man was here Cass began to speculate in earnest as to Giff's whereabouts. He wondered if it had occurred to Fiske to look in the puncher's room.

Backtracking through the lobby, Cass climbed the stairs to the second floor and halted far down the corridor before the door of Room Nine. He knocked and, receiving no answer, tried the door handle. The door was unlocked and Cass poked his head inside the room. The bed blankets were wrinkled but the bed had not been slept in. The lamp on the dresser caught his attention. It was alight.

For a puzzled moment Cass considered this; then he gently closed the door and started downstairs. It was obvious Giff had left the room last night and had not yet returned. For a fleeting moment Cass wondered if Giff might still be in one of the saloons. It was not unusual late at night for a man to place the change from his last

(Continued on page 42)

ILLUSTRATED BY JAMES DWYER



NELSON MORRIS

The famous Catawba grape, shown here with an oaken wine cask as a background, is a hybrid American species used chiefly to make champagne

From Our Vines—Fine Wines

In the cellars of the Pleasant Valley Wine Company, New York, Charles Rice "racks off" from one cask to another to isolate sediment

JOHN FLOREA

Frank Marino checks progress of fermentation in bottles of Cresta Blanca champagne, a California product. Corks are clamped on so gas can't escape

[illegible] vine [illegible]
—and there [illegible]
vintages are ranked on a par with [illegible]
world's finest. Ask any real gourmet

NOT long ago a New York host invited a number of friends to dine at an exclusive restaurant. Among the guests was a visiting French army officer who has an imposing reputation as a gourmet. With the slightly awed deference many Americans often feel in such matters, the host asked the Frenchman to order wines to accompany the dinner. The officer accepted the compliment gracefully and proceeded to choose, to the obvious dismay of the waiter, an American claret to go with the entree and an American champagne to follow.

His host also was surprised. "I'm sure, Colonel," he smiled, "that this is Gallic courtesy. You needn't feel it necessary to indulge us."

"But by no means," was the Frenchman's reply. "These are excellent wines. If you truly disagree, I hope you will humor me. A traveler always likes to drink the wines of the country he is visiting."

This little tale, repeated widely by the chastened host, is illustrative of the great progress American wine makers have made in recent years.

It long has been habitual to picture European wine drinkers as gentlemen whose glasses are raised perpetually to the light and whose vocabularies consist chiefly of such phrases, reverently murmured, as *"C'est magnifique."* Invariably, it is European wine they are drinking, and the implication is that no other wine can compete with it.

In the brief 17 years since the repeal of prohibition, U.S. vintners have battled doggedly and successfully against such prejudice, chiefly by making better and better wines. Today, even connoisseurs will tell you that the average quality of American wines is superior to the average of the European (although this may not always be so in specific cases).

Statistics encourage the American wine men, too. During 1935-'39 they sold their fellow countrymen only 63,000,000 gallons a year. Last year the figure reached nearly 130,000,000 gallons, and it included a greater variety of wines than are produced by any other country. Sales of imported wines, while they often undercut prices of the U.S. products because of lower production costs, were only 3,000,000 gallons.

Still, last year's total sales of both American and imported wines give a per capita U.S. consumption of only about nine tenths of a gallon per year. This is a mere drop in the decanter compared with the 40-odd gallons which the average French citizen drinks every year.

U.S. wine men naturally deplore this vast discrepancy, but they think the gap gradually will close as more and more Americans learn by experience the virtues of wine. The wine makers are convinced that those virtues are innumerable. They wax rhetorical at the pop of a cork.

"Wine is a living thing," one of them recently orated to a reporter. "You must give it care and affection if you expect a reward from it. But that reward is beyond the wildest dreams of the uninitiate."

Wine apparently has occupied this lofty position in some circles for almost as long as there have been men to drink it. Archaeologists have dug up fossilized deposits of grape stems and skins which they date far back into prehistoric times and which they believe are residues of wine-making sessions. Certainly, to the ancient Egyptians, Greeks and Romans—and to the monks of the Middle Ages, who developed many of the modern kinds of wine —it was the drink favored above all others.

The first Europeans known to have reached this country were overwhelmed by the possibilities of American wines. They were a boatload of Norse sailors who, in or about the year 1000 A.D., were blown off course in a voyage from Iceland and landed in North America. According to legend they set about picking the wild grapes they found growing in profusion, and *(Continued on page 82)*

NELSON MORRIS

Harvesting Catawbas in the vineyards of The Taylor Wine Company, near Lake Keuka, N.Y. The vines are planted close to the lake to get the benefit of warm air currents over the water

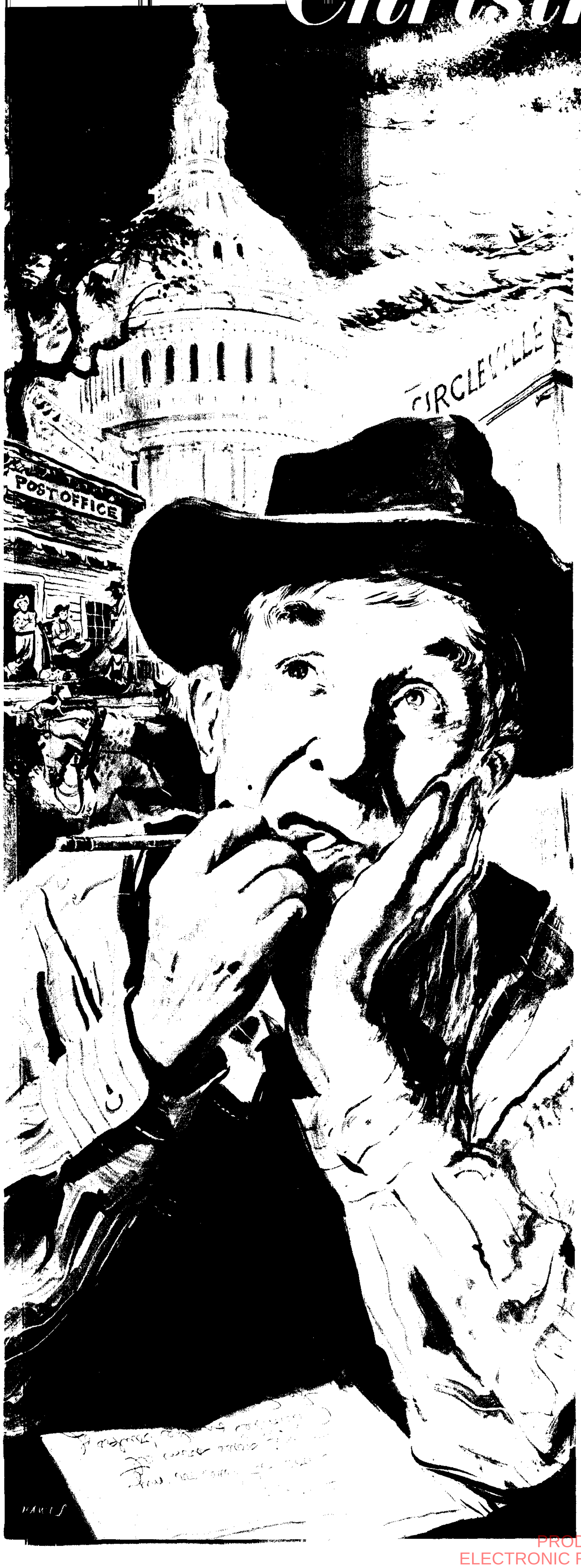
At the California Roma Winery grapes are dumped into crushers that liberate the juice

Italian Swiss Colony wine in the rough. Cars, shown in California sun, hold five tons each

Fred Abruzzini is manager and wine taster for Beringer Brothers, Calif. Cask is 60 years old

Christmas as Usual

[illegible] Circleville's philosopher



Dear editar:

I was out here on my Johnson grass farm at Circleville on the banks of the San Gabriel River the other afternoon watchin' a copy of the Dallas News floatin down and since it drifted over near where I was sittin and about the same time a red ant crawled on my foot and I needed to bend over anyway to scratch I went ahead and bent over and picked up the paper and was pleased to find it was a recent issue.

When I got through restin I took it home with me and laid it out by the stove and while it dried I took a nap, never did have no patience with a man who couldn't do two things at the same time, and later in the afternoon when I got around to readin it I was interested in a letter to the editar which came out with the startlin proposal that since the world was in such a terrible shape, stock piles of atom bombs growin bigger, less peace and more killing and preparin to kill and newer ways to do it than ever before in history, we ought to just skip Christmas this year. Just call it off.

Now I don't look at it that away. The atomic bomb apparently ain't had the same effect on folks at Circleville as it has on folks in Dallas or Boston or New York. They're so nervous they must have something they ain't supposed to. Out here, we recognize the thing has potentialities, so did gunpowder and the fact a earth quake may open up through my farm tomorrow, but we ain't abandoning Christmas on its account. We take every holiday on the calendar and a good many that ain't.

Also, I read the other day where a farmer couldn't make up his mind whether to go ahead and make another crop next year or not. "What if I go ahead and put in a lot of hard work and get a crop up and they start fightin with atom bombs or perfect a hydrogen bomb and wreck civilization?" he wanted to know. "Here I'd be with a year's work wasted."

I can't see it that way. Reminds me of a rancher who let all his cattle die off because he read they was gonna make steak out of pulp wood. Ain't no scientists or college professors goin to upset my way of life ahead of time. I ain't changed a single plan on account of the atom bomb. Wasn't plowin much before they invented it and expect to keep right on in the same path.

The trouble with people who take a dark view of the world is that they ain't familiar with history. Thunder, the world has been in terrible shape as far back as I can remember, in fact I imagine it's been on the brink of ruin ever since man discovered what a brink was. In short, everything's normal. I'll admit the possibilities of atomic war ain't pleasant, but the city birds who started building tall buildings on the theory they expressed their personalities or to shut out each other's view or some reason I have not been able to figure out, could have come out here and inquired around and found out from me they was only building bomb targets. Ambition don't always get you where you think it will.

And I read the other day that now that they've discovered their mistake there is a move on to decentralize the cities, move all the people out to the country, and I would like to enlist your aid right now in gettin Congress to nip this in the bud, pass a law requirin everybody to stay where they are until the emergency is over, which ought to take in yours and my lifetime.

Ain't no time now for the city people to wake up. You know, take New Yorkers for example, they're considered cosmopolites, got everything, live in the biggest city in the country, a lot of em been everywhere, seen everything, but did you know when you get right down to reality there are more folks in Circleville who've been to New York than there are folks in New York who've been to Circleville? And the Empire State Building with its 120 stories is just a monotonous repetition of a two-story building we've had down here in Williamson County for years. In proportion to population, Circleville has as many neon lights as Broadway, and they attract as many moths.

Moreover, I read where some congressman is so steamed up over the world situation he is even proposin they move the United States capital out of Washington. Says the seat of government ought to be in a less strategic spot for air attack, and I expect to see a lot of towns jumpin in with offers and claims why the capital ought to be moved to their area. Chambers of commerce all over the country are probably polishing up their stories now.

I don't see it that way. That is, it wouldn't make any difference to me if they moved the capital, just so they didn't lose my name on the out-goin government check-writin list in the shuffle, but I blamed sure don't want the thing around here. Ruin a community faster'n a smallpox epidemic.

You take this community. Ain't nobody outside of us got much use for it, but ain't nobody actively opposin' it. Yet you put the capital of the United States here and this'd be the worst cussed place on earth.

Right now you can blame high taxes, high cost, labor trouble, wastefulness, the war, your own failure, a sick cow, the price of meat, potato bugs, etc., on Washington, but if they moved the capital here everybody'd be blamin it on Circleville. I can hear em now, sayin' what in the world will them crazy fools in Circleville think up next? It's them Circleville bureaucrats that's causin all the trouble. What this country needs is to clean Circleville out from one end to the other.

No sir. They can leave the capital in Washington, or take it to Mississippi or North Dakota, but I damn sure don't want it around this part of the country. Be the most embarrassin thing that could happen to us.

A change is all right if it's an improvement, but few of em are. I remember when radio was invented they said it would revolutionize our way of life, but I've had a set twenty years and ain't got one blade less Johnson grass than I had the day I tuned in my first program. I intend to go ahead and celebrate Christmas out here at Circleville, expect New York to keep building skyscrapers, Congress to open in Washington in January, and 1951 to keep comin.

Yours faithfully, J.A.

ILLUSTRATED BY CHARLES HAWES

An ornamental way of saying:

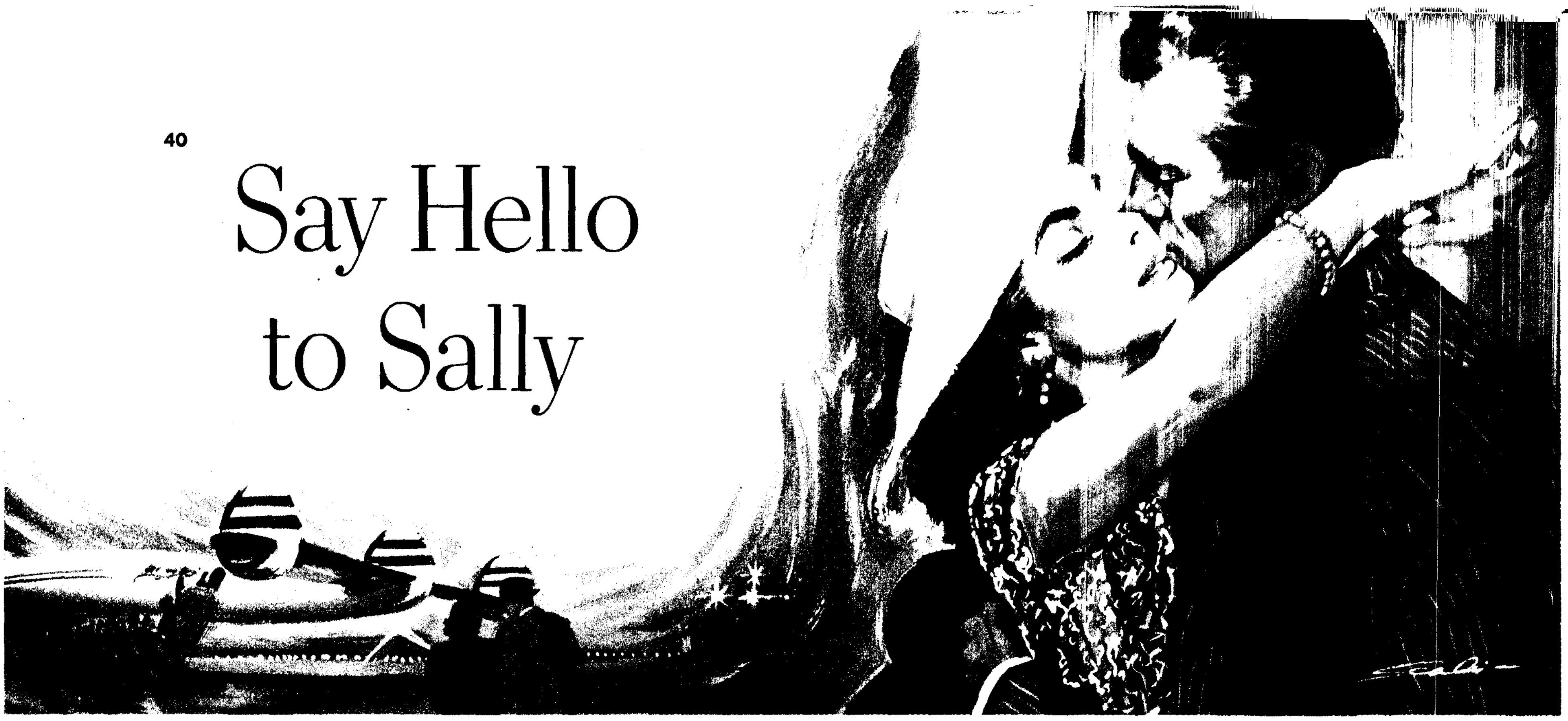
"Again this Christmas...wouldn't you rather give (and get) FOUR ROSES?"

America's favorite gift whiskey, in attractive gift carton.

Frankfort Distillers Corporation, New York City.
Blended Whiskey. 90.5 proof. 60% grain neutral spirits.

Four Roses
FOUR ROSES
Blended Whiskey

Say Hello to Sally



Then Kay was in his arms, her cart-wheel hat going all askew. "Oh, Will," she said, "I promised I wouldn't cry"

Collier's

By CHARLES HOFFMAN

"YOU," Willard Manning said to his ten-year-old son as he turned the car out of the restaurant parking lot and headed down the highway toward the airport, "pipe down! This is the last half hour I'll be spending with my family for almost a month, and I'm not going to have it spoiled by you kids fighting!"

He glanced at his wife Kay beside him. She was looking even prettier than usual—women always look prettier than usual, particularly wives, when you're about to say good-by to them—and smiling quietly to herself, almost as if she hadn't heard the ruckus in the back seat and was trying to make the most of the fleeting minutes. She had done the same thing at dinner, wearing the red-and-white print and the cart-wheel hat she knew he liked, though they were out of season, and having Martinis instead of sherry because it would be keeping up with Willard, and kidding with the waiter the way she thought he liked women to.

The light changed, and as they pulled ahead in the heavy traffic, Kay returned his glance, touching his hand on the wheel with hers as though to say, "I'll miss you, darling. Hurry home. Or better yet, don't go, Will . . ."

He *had* to go, though. The company rotated these New York trips and, after five years, it was his turn again. Too bad he couldn't take Kay with him. But she wasn't on the expense account and he couldn't swing it, as much as he wanted to.

"We're not fighting," Willie piped from the back seat, picking up the conversation where it had temporarily been left off and smirking at his twelve-year-old sister, who sat as far from him as possible. "I'm just trying to make conversation. Annabel's in love with Joe Hooker and he isn't in love with her and she's jealous, that's all."

In the front seat, Kay half turned, and Willard saw how the headlights of another car briefly silhouetted her fine forehead and pert nose and strong chin. "Willie—" she began patiently.

But suddenly Annabel spoke. She was white-faced and her mouth trembled with anger. "I'm not jealous of Joe Hooker!" she said. "I'm not jealous at all! Men aren't everything! They aren't nearly as important as volleyball or algebra or even a ballet lesson! Personally I think they're terrible! Coughing in the morning, and always having to shave—"

"Shave?" Willie chirped. "Joe Hooker'll probably *never* have to shave!"

"He most certainly will," Annabel said. "He's fourteen, and his voice is changing!"

"Well," Willie conceded, "I'm glad of that. The one he's got now sounds like a dog whistle."

"Willie," his father said, "shut up. You're—"

But again Annabel interrupted, this time by bursting into tears before her father could chastise Willie further, and rushing on with, "Never mind, Daddy. He's right. I *am* jealous. Joe Hooker won't look at me twice."

"He won't even look at her once," Willie said. "That's why she's first-rated."

As Annabel's sobs increased, Kay again turned, tapping her fingers against the back of the seat. "Stop it, Annabel. Right now. Nothing's happened to—'first-rate' you, and I'm not going to have this evening ruined by some imagined—"

"That's just it, Mom," Annabel wailed, "it isn't imagined! And I was lying when I said Joe Hooker isn't more important than a ballet lesson. He is. He's more important than a whole course of them—"

Kay leaned back and gently extended a hand to Annabel, whose sobs were quieting.

"If people let it, Annabel," she said softly, "jealousy can do terrible things to them. But intelligent people don't let it. Take your father and me, for instance—"

"But you're married!" Annabel wailed again. "That's different! How can you be jealous?"

"Why is it different?" Kay asked. "We love each other very much, and we could hurt each other very much. Or, rather," she corrected herself carefully, "we could let ourselves *be* hurt by each other very much. And that's what you must prevent. Keep Joe Hooker from hurting you—"

"How? When he won't even look at me?"

"If you love him and he loves you—which may not be so," she cautioned quickly, and then added, in concession to her daughter's turmoil, "but could be, because love happens to all kinds of people at all kinds of times—you must have faith in each other. Trust each other completely. Because another word for jealousy is doubt. And if you doubt, if you misinterpret and suspect and lose faith in whomever you love, you turn a key and open a door that never can be closed again."

Kay turned back on the front seat, self-consciously clearing her throat and afraid to look at Willard, who cleared his throat too, and who, she was sure, was wearing a what-brought-that-on expression. She was almost relieved when the car pulled to a stop at the porter's stand. . . .

Fifteen minutes later Gate 14 opened, and as the passengers streamed out toward the plane, Willard kissed Willie and Annabel with fatherly affection and then Kay was in his arms—soft in his arms, the cart-wheel hat going askew and the print dress crushed against him.

"Oh, Will, I promised I wouldn't cry—!"

"That doesn't matter, honey," he told her.

"Anyway"—she pulled back bravely, sniffling slightly and patting his arm in a would-be hearty gesture—"have a swell time, do a swell job, and if you see her, say hello to Sally for me!"

"Sally?" he asked curiously.

She was very quick and very casual as she went on, almost pushing him away from her through the crowd, her voice high and gay and brittle. "Sally Prescott. That girl who used to work in your office, remember? Didn't you tell me you heard she was living in Jackson Heights?"

But then he had to rush in order to get a window seat, and Kay had to turn after the cart wheel as it blew away.

IT WASN'T until the plane was taxiing down the runway, his coat and brief case stashed away and the evening paper unfolded on his lap, that Willard could pause and analyze what she had said. Or try to analyze it.

Sally Prescott. She'd been his secretary for a year, and then gone back to New York. A pretty little blonde, he remembered vaguely—in fact, he'd taken her out to dinner once, after he'd kept her working until ten one night. Some steak house. She'd worn a print dress that matched her hair and eyes, and carried a big straw hat, and had Martinis with him and kidded the waiter. But that was all there'd been to it, and he'd told Kay all about it. Every detail. Because, in the first place, it was a novelty—he didn't play around. And in the second place, he didn't keep things from Kay; you shouldn't in a perfect marriage. And why in the world should she think of Sally Prescott at a time like this?

Willard Manning sighed. *He* didn't know, that was for sure.

And so, like most men who shave, he shrugged, idly followed the stewardess' seams down the aisle, switched on the reading light, and opened the paper to the sports section. THE END

ILLUSTRATED BY MAURO SCALI

Koolfoam pillow
Koolfoam

newest, smartest Christmas gift in years . . .

Give the marvelous new Koolfoam *pillow!*

For Christmas giving there's nothing like a Dayton Koolfoam Pillow . . . so gayly packaged especially for the Holiday Season. It's the gift that will be talked about—used every day—*always* remembered.

It's new . . . it's different . . . it's luxurious. It's the pillow that's wanted by everyone . . . father, mother and the children.

A genuine Dayton Koolfoam Pillow promises undreamed of comfort . . . new delight in deep, restful sleep.

It's so soft, so light in weight. Never needs punching or fluffing. Wonderfully buoyant, it always holds its shape, conforming to changing positions in rest or sleep, dressing the bed beautifully day or night.

Dayton Koolfoam is clean . . . 100% pure, natural latex . . . free from dust and impurities, inside and out. It stays that way always . . . both cover and pillow are easily washed.

And it's remarkably allergy-free, a wonderfully welcome relief to those who suffer sleepless nights.

For Christmas! Give all these unmatched qualities, found *only* in a Dayton Koolfoam Pillow. There *can't* be another gift like it!

only $9.95 **or $10.95 with covering of panne satin or nylon.**

Dayton Koolfoam Baby Pillow . . . a lovely gift for any baby

Koolfoam is available in a marvelous new baby pillow. Allergy-free. Sanitary . . . easily sponged waterproof plastic cover, satin inner cover zips off for cleaning. In pink, blue or white. **only $4.95**

Only This Is Dayton Koolfoam! Go to your favorite store. Open the zippered cover of a Dayton Koolfoam Pillow. Trail your fingers over its rose-petal surface . . . so smooth, so pure and clear in color. Press it to your cheek. You immediately sense Koolfoam's superiority resulting from Dayton's exclusive foam processing method. The zippered cover slips off easily. Fits all standard pillowcases. Your choice of white, pink or blue.

Dayton Koolfoam pillow

TRADE MARK

Enjoy the Rest of Your Life!

DAYTON RUBBER COMPANY • DAYTON 1, OHIO

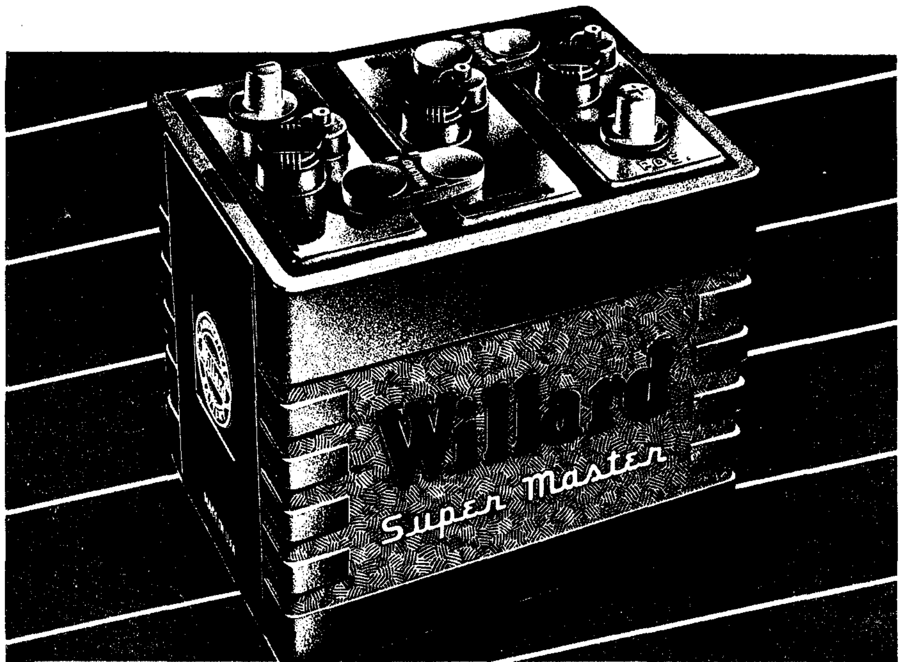
Now! 100% more protection against the No. 1 battery killer

Willard announces METALEX

Greatest Battery improvement in 25 years

Today, OVERCHARGING is the No. 1 battery killer. More batteries are worn out from this one cause than from all other causes combined! Overcharging strikes at the grids—the lead-alloy framework which holds in place the current-producing active material. Overcharging *corrodes* the grids—*fractures* them—*destroys* their ability to retain active material—*destroys* their utility as current conductors.

But now Willard announces METALEX—a new and vastly superior grid metal, developed and perfected by Willard metallurgists specifically to combat damage by overcharging. And METALEX does so—stubbornly, effectively. METALEX provides a full 100% more protection against the No. 1 battery killer! METALEX l-e-n-g-t-h-e-n-s battery life. *Available exclusively in Willard Super Master Batteries!*



METALEX *plus these 4 other features* **makes the new Willard Super Master custom-built for today's driving**

NEW **IMPROVED SEALING COMPOUND FOR LONGER LIFE** Won't crack in winter or melt in summer. Withstands high under-the-hood temperatures.

NEW **IMPROVED RUBBER INSULATOR FOR LONGER LIFE** Impervious to effects of high charging rates and *high under-the-hood temperatures*

NEW **IMPROVED RUBBER CONTAINER FOR LONGER LIFE** New design—heavily reinforced at points of stress. Withstands high under-the-hood temperatures.

NEW **IMPROVED ACTIVE MATERIALS FOR QUICKER STARTS** So much more chemically active that snap starts are assured—even in cars with the new higher compression motors!

New Willard Super Master with METALEX

WILLARD STORAGE BATTERY COMPANY
Cleveland • Los Angeles • Dallas • Memphis • Portland • Toronto • A Subsidiary of The Electric Storage Battery Co.

Play a Lone Hand

CONTINUED FROM PAGE 35

drink on a bet in a gambling game, only to find that he had started on a run of luck lasting well into the next morning. Accordingly he tramped down to the Plains Bar, found it almost deserted with no games in progress, and moved on to Henty's. Giff was not there.

Cass moved across the street and had a cup of coffee at the Family Café but the memory of Giff's room kept teasing at him. If Fiske was surprised enough at Giff's absence to ask his whereabouts, it meant that he was not on a land office errand. Cass speculated on who else in town would know anything of Giff's movements and he thought immediately of Mary Kincheon. So far as his own present knowledge went, Mary was the last person Dixon had seen. Perhaps he could trace Giff's movements from there.

He finished his coffee and walked to the Free Press office. Stepping inside from the sunlit street, he halted in astonishment, his hand still on the door. Earl Kearie had cleared the big desk under the window of all its papers. Atop the desk was a foot-high pile of metal slugs that Cass only belatedly identified as type. Kearie was seated in a chair at the desk, beside him an empty type stand. His coat was off and in his left hand he held a large magnifying glass; in his right was a piece of type. Propped against the window were two big type charts to which he was referring when Cass entered. Kearie's expression, always surly, was one of wrathful exasperation. He glanced at Cass and then through the glass at the piece of type he held in his fingers.

Cass asked, "What's the matter? Are they dirty?"

Kearie said, almost snarling, "What do you want?"

"Mary Kincheon."

"I fired her!" Kearie said in a shout of anger. "I don't know where she is and I don't give a damn!"

A look of calculation came into Kearie's face as he gazed at Cass and asked almost civilly, "Can you set type?"

Cass shook his head.

"Do you know anybody in town that can?" Kearie persisted.

Again Cass shook his head.

WITH a gesture of disgust, Kearie threw the reading glass on the desk and shoved his chair back. He started to rise, then settled back in his chair, put both hands on his knees and regarded the pile of type with a baffled look.

Cass asked, "Where's your printer?"

"I've sent for one." Kearie said shortly.

Cass looked at the heaping pile of type and was still uncertain as to what Kearie was attempting to do. "Why've you got all this stuff up here?" Cass asked. "Don't that belong back there in the shop?"

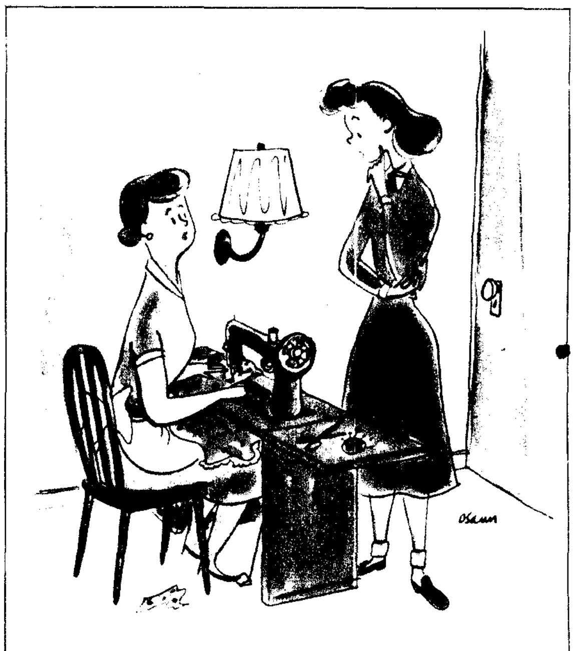
Kearie's look was murderous. He said, "You run your stables and let me run my newspaper."

"This is your press day, isn't it?" Cass asked shrewdly.

His question seemed to move Kearie to a decision. Kearie rose, put on his coat, clapped his black hat on his bony skull, booted the type stand aside and started for the door. Halfway there he halted and then returned to the desk. From a drawer he lifted out a cube of cue chalk and slapped it into his vest pocket. "Step outside," he said harshly to Cass. "I'm locking up."

Cass stepped outside, watched Kearie lock the door with savage impatience and then head across the street toward Henty's saloon and its billiard tables. Turning, Cass went on down the street headed for Mrs. Wiatt's. Although he was uncertain as to what had happened at the Free Press office, memory of Kearie's wrath brought a smile to his face. Mary Kincheon had quit him. Over what, Cass could not guess, but with her leaving, Kearie's days of indolence were over. The whole town had wondered why she had worked for him in the first place and in the second place why she had tolerated the overwork and the drudging hours while he idled.

CASS rang the bell at Mrs. Wiatt's. She answered the door and told him Mary was in the back yard drying her hair. Cass walked around the house and found Mary sitting on the grass in the bright morning sunlight, and he sat down beside her. Being both a gregarious and curious man, Cass's first impulse was to ask Mary why she wasn't at work, thus getting the whole story of her dismissal by Kearie. But he remembered his errand and after they had exchanged the time of day, he asked, "Have you seen Giff Dixon this morning?"



"I don't know whether to go to the dance with Tom or Roger. Tom can get his father's car, but Roger shaves twice a week"

COLLIER'S KATE OSANN

Mary was running her fingers through her long hair; her hand halted and she looked sharply at him. "No. How do you mean have I seen him? Is he hurt or something? Or do you mean has he been in to see me this morning?"

"That's what I mean—the last," Cass said. At his answer, he thought he detected a kind of relaxation in her manner.

"I haven't seen him since yesterday morning," Mary said. There was a special alertness in her eyes as she watched him. "Why? Can't you find him?"

Cass said soothingly, "No. But it doesn't matter; he's around."

Mary said, "It's more than that. You wouldn't have come clear here if you expected to see him on the street. Has anything happened, Cass?"

Cass hesitated only a moment, then told her of his search for Giff. He tried to seem unconcerned but it did not come off.

Mary listened soberly. She remembered Kearie's anger of yesterday and she thought immediately, No, Kearie's afraid of him. Memory leaped back to the conference in Sebree's office and she remembered Sebree's smug words—*"He'll be taken care of."*

She fought down a mounting panic and

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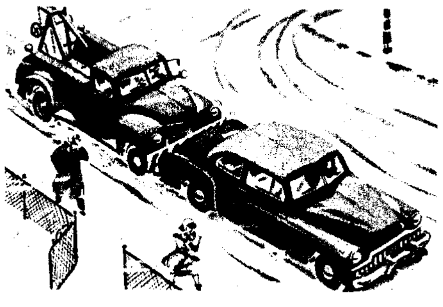

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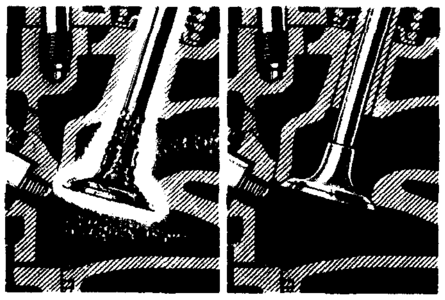

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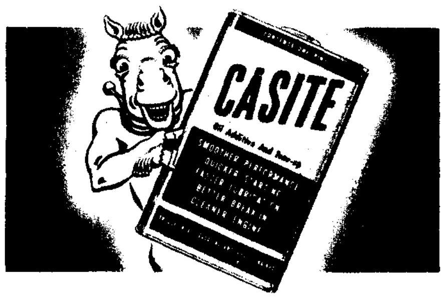

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made herself consider this carefully. Her threat to expose Sebree if any harm came to Giff had been plain and unadorned. Sebree had understood it too. He wasn't the sort of man who would let dislike of a person wreck his fortunes. He hated Giff, but not enough to risk ruinous exposure.

Mary said, not believing it, "Maybe he has friends. Maybe he's just tired of town."

"He didn't take a horse." Suddenly an expression of surprise came into Cass's face. He looked sharply at her and then away.

Mary asked, "What are you remembering, Cass?"

Slowly Cass plucked a handful of grass, held it in his rough and callused palm, and looked at it. "If he's gone and he didn't take a horse, maybe he took the night train. Can you give me one good reason why he should stay here?"

It was true, there was no good reason, Mary thought. He'd been picked up by Welling as a camp swamper to see to the horses and to do menial work for Welling and Fiske; but in the course of time the whole burden of Welling's investigation had fallen on him. He had done the work and he had taken the beatings. Why shouldn't he decide that it wasn't his fight and that he had had enough of it?

It was plausible but somehow Mary did not believe her own reasoning. She said, "I don't know why he should stay, Cass, but you don't believe he left either, do you?"

"No," Cass answered in a low voice. "I guess I don't—but where is he?"

"I can't tell you, but he'll turn up. I just know it."

On that illogical and inconclusive statement Mary took her stand. Realizing that his visit had settled nothing and that he had only communicated his doubts to her, Cass came to his feet and took his leave.

Mary continued brushing her hair, then went inside to her room. It was a big corner room across the hall from the parlor, the best in the house. She entered and closed the door behind her, wanting privacy.

Seating herself before the walnut vanity, Mary began to do up her hair. The day had a strange quality, like Sunday, and she realized it was because she was not working on a weekday—*on a press day*, she corrected herself. A year ago the thought of not working on a weekday would have terrified her. Now she didn't care. There was Sebree's money, deposited safely in a Las Vegas bank, to fall back on. Blackmail money, she thought, and naming it in her mind for the first time gave her a small feeling of shame.

It was a sensation foreign to her, and puzzled at it, she let her hands fall to her side and stared at herself in the mirror.

UP TO now, she had had no sense of guilt about relations with Sebree. He was dishonest and a crook, and she had uncovered one facet of his crookedness that he could not afford to have known. The day that she had found the two copies of the April 17th issue of the Free Press on a shelf high over Perry Albers' cot in the back of the press room, she had counted the luckiest day in her life. Simple curiosity prodded her into examining them. She found that one issue contained five more final proof notices than the other. She copied down the names of the five extra entrymen and found in the courthouse records that they had deeded their homesteads to Sebree.

Staring at her image in the mirror now, she frowned, trying to recall what she had thought when she realized she had uncovered Sebree's swindle. She had thought first of all of revenge—of getting even with the man who had so subtly corrupted her father, who had flattered him and loaned him money and neutralized him until he finally drowned in liquor. Mingled with that desire for revenge was a wild need to show that she was not weak and soft like her father, but tough-minded and hard. Last of all, she remembered, was the need for money.

She could have taken the papers and sent them in to the General Land Office as evidence of fraud, but there was a better way to get even. That way was blackmail, making Sebree pay her for silence and always having Sebree in her power. The money was welcome, and Sebree could afford it. As for the ethics of it, weren't big men stealing land all over the West, sometimes with the collusion of the Land Office itself? Her evidence wouldn't change this corruption, and she would have been a fool not to have demanded money from the corrupters.

But now she wasn't at all sure she had been right, and she realized it was Giff Dixon who had bred that doubt. Her feeling of guilt was closely tied to him, too, for if she had turned over her copies of the Free Press to him at first, she wouldn't be worried about him now. And she *was* worried, she told herself; she was slowly approaching panic. There was one thing she must hold to, though, and that was the belief that Sebree loved riches above revenge.

SHE busied herself the rest of the morning helping Mrs. Wiatt. In the back of her mind all that afternoon was her coming meeting with Sebree at Deyo's office where she would receive the last of her blackmail money. Perhaps Sebree would let slip by a word or an expression that he knew of Giff's whereabouts. A little before five o'clock, the hour that was set for the meeting, she put on a fresh dress. Then she let herself out into the warm late afternoon and made herself stroll the few blocks to the meeting place at a leisurely pace.

The land office, cool and shaded against the late afternoon sun, was deserted save for the Mexican clerk working at his desk. She saw Deyo through the open door of his office and a faint blue haze of cigar smoke indicated Sebree's presence there, too. Lifting the counter gate, she nodded to the clerk and entered Deyo's office.

Sebree rose at her entrance and courteously placed a chair for her, then moved over to the door. Mary, with her back to him, did not catch Sebree's glance at Deyo nor the brief movement of his head.

Deyo rose, gathered some papers together, and said stiffly, "I've got to go over these with my clerk. Excuse me." He went out, trailing a faint odor of bay rum.

Sebree walked over to the chair Deyo had vacated and sat down. Looking over the desk, he complained mildly, "Why won't some men put an ash tray in their office?"

Mary was watching him closely. He seemed in his usual serene spirits, she thought, and found herself hating him again; not for his rich clothes, his fine cigars, nor for what he represented, but this time for his bland and affable front.

Sebree tilted back in his chair and said, "I didn't bring any money and I'm not going to pay you any more. You've been on the merry-go-round long enough and now you're getting off."

The mildness of his words in contrast to their content was confusing for a moment. When Mary understood their full meaning, she felt a nameless excitement. She had often wondered how she would handle this very situation and had rehearsed it in her mind. Remembering, she rose and said coldly, "Suit yourself, Grady."

Sebree said quietly, "Don't be in such a hurry. You haven't heard all I have to say."

"I've heard enough."

"I think not. The second thing I have to tell you is that I want your copy of the Free Press."

Mary stared unbelievingly at him, then she said tartly, "You can get it tomorrow by taking it from Dixon. He'll have it."

Sebree began to shake his head slowly from side to side. "You're wrong about that. Dixon won't have it by tomorrow morning for the simple reason that I've got Dixon."

Mary stood utterly still, terror seizing her. Then she sat down and Sebree saw the torment in her face and smiled.

"You've got Dixon?" Mary echoed slowly.

Sebree nodded. "Unhurt and very well guarded."

Mary waited many seconds before she could trust herself to speak. "What are you going to do with him?"

"Why, trade him to you," Sebree said in mild astonishment at her lack of perception. "You give me your copy of the Free Pre[illegible] and I'll turn him back to you unharmed."

"Yes!" Mary said quickly. "Yes! I'm willing."

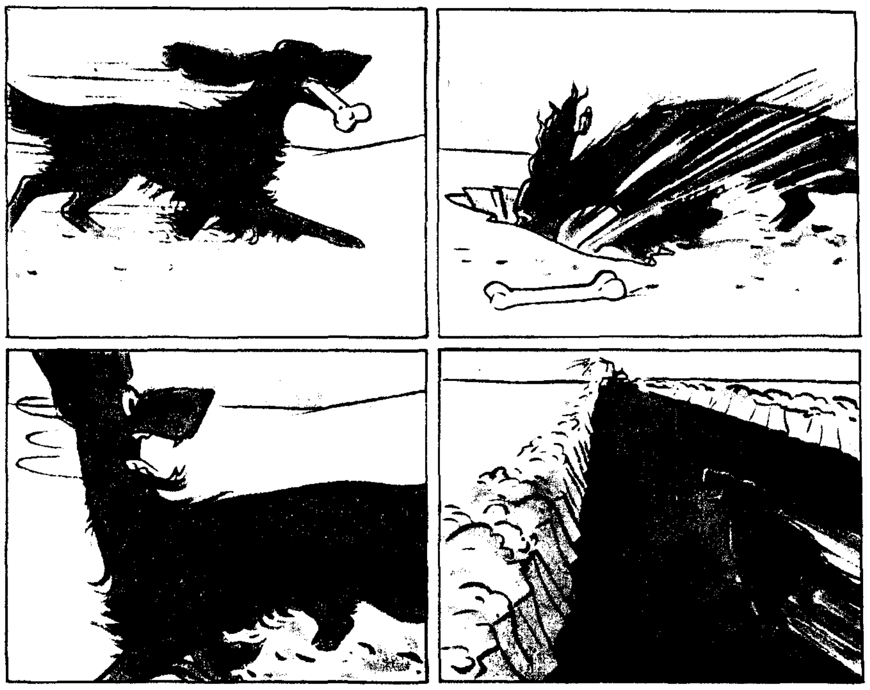
Sebree smiled, and said, "At your house at nine tonight, say." When she nodded, he could not resist a last thrust. "Maybe he won't have you, once he knows you are a blackmailer."

"Maybe," Mary said quietly.

GIFF had been sleeping when he was aroused by the trap door slamming back on its hinges. Carrying the lantern ahead of him, Traff stepped into the stifling attic and then moved aside to make way for Giff's two guards. They were carrying ropes and wordlessly they rolled him over on his face and bound his hands. Then Traff motioned with his gun for him to stand.

Giff rose unsteadily to his feet; the hot

CLANCY



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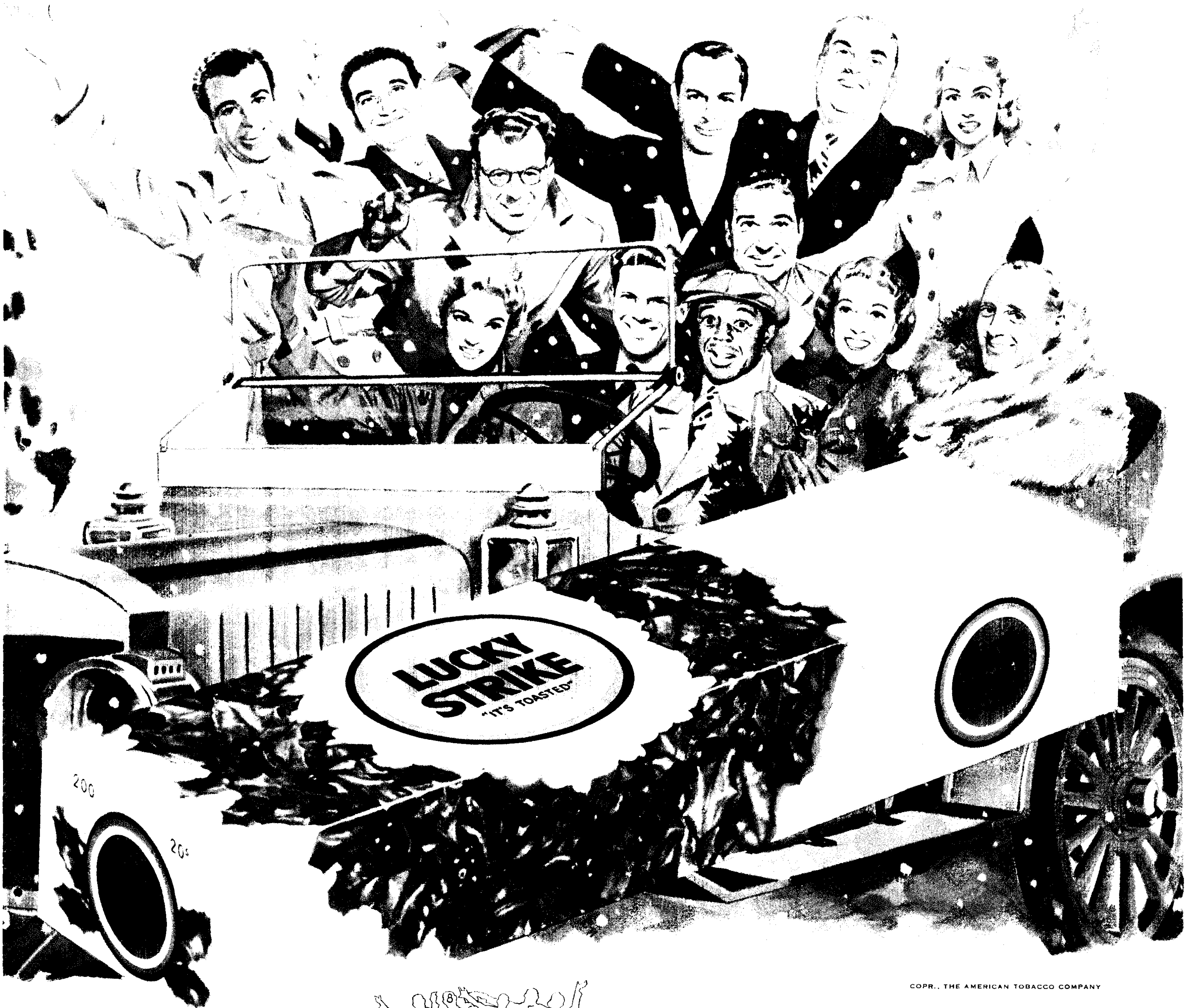
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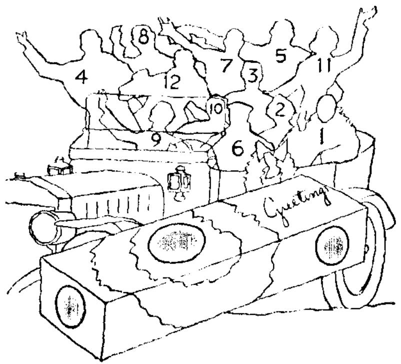
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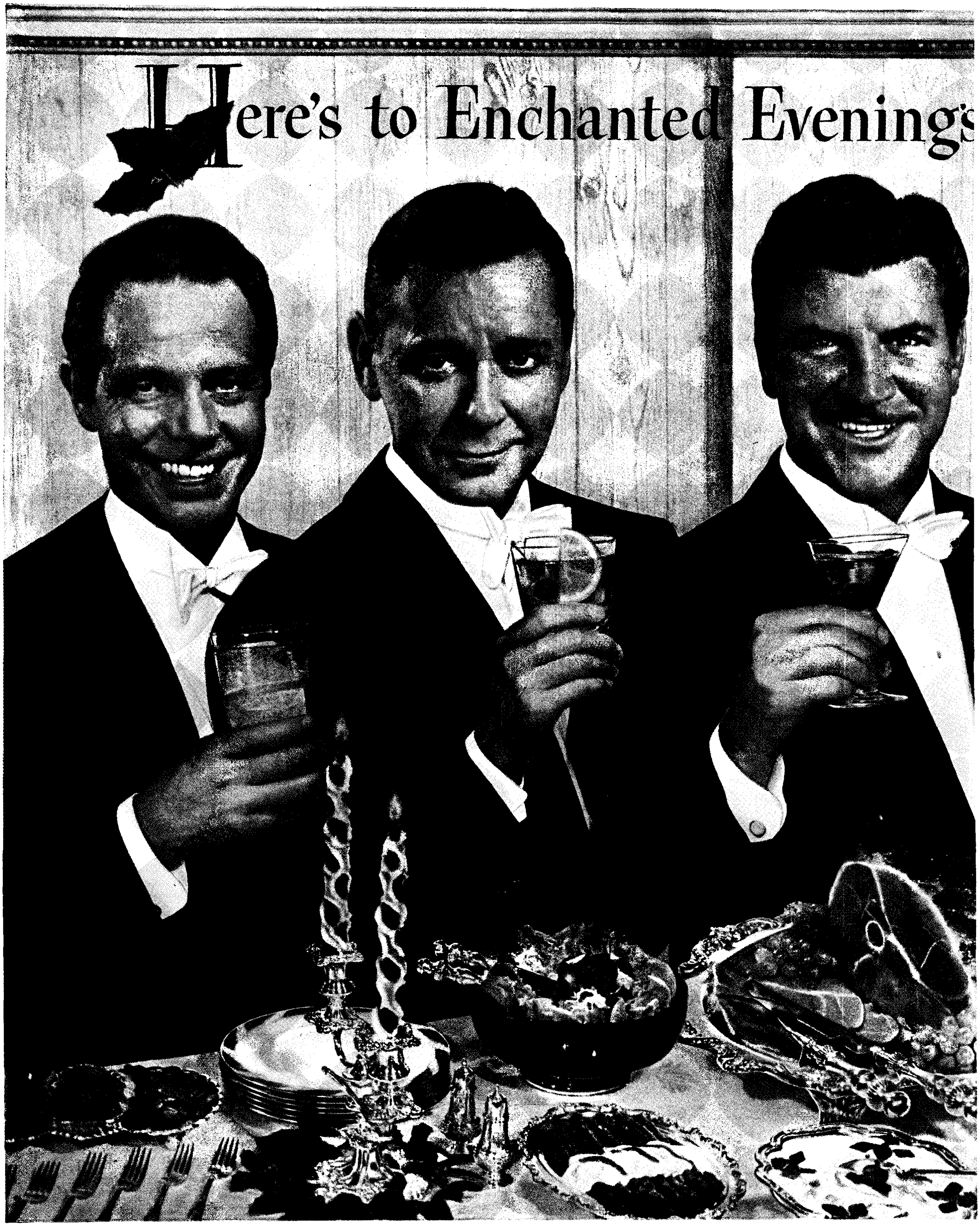
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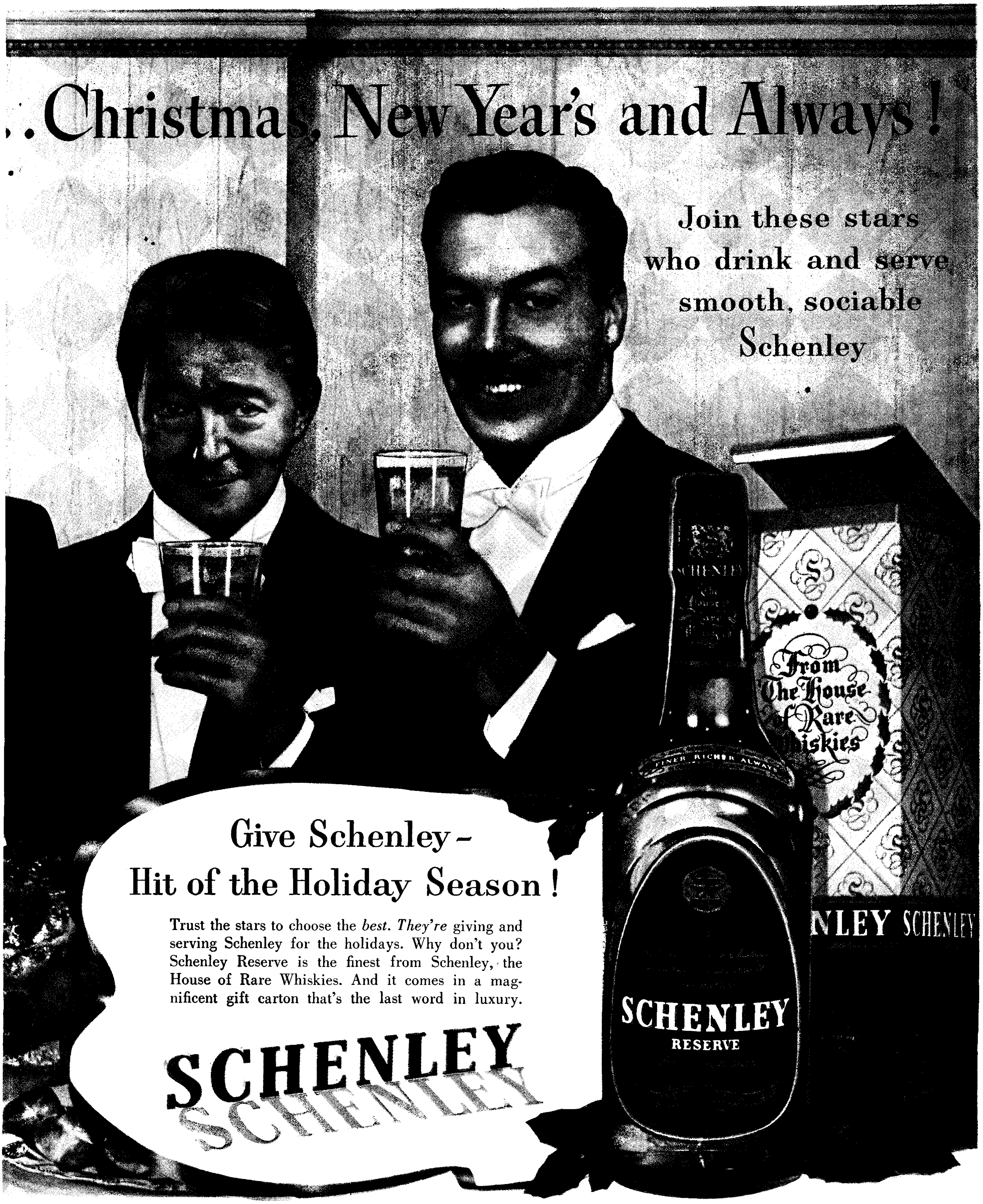
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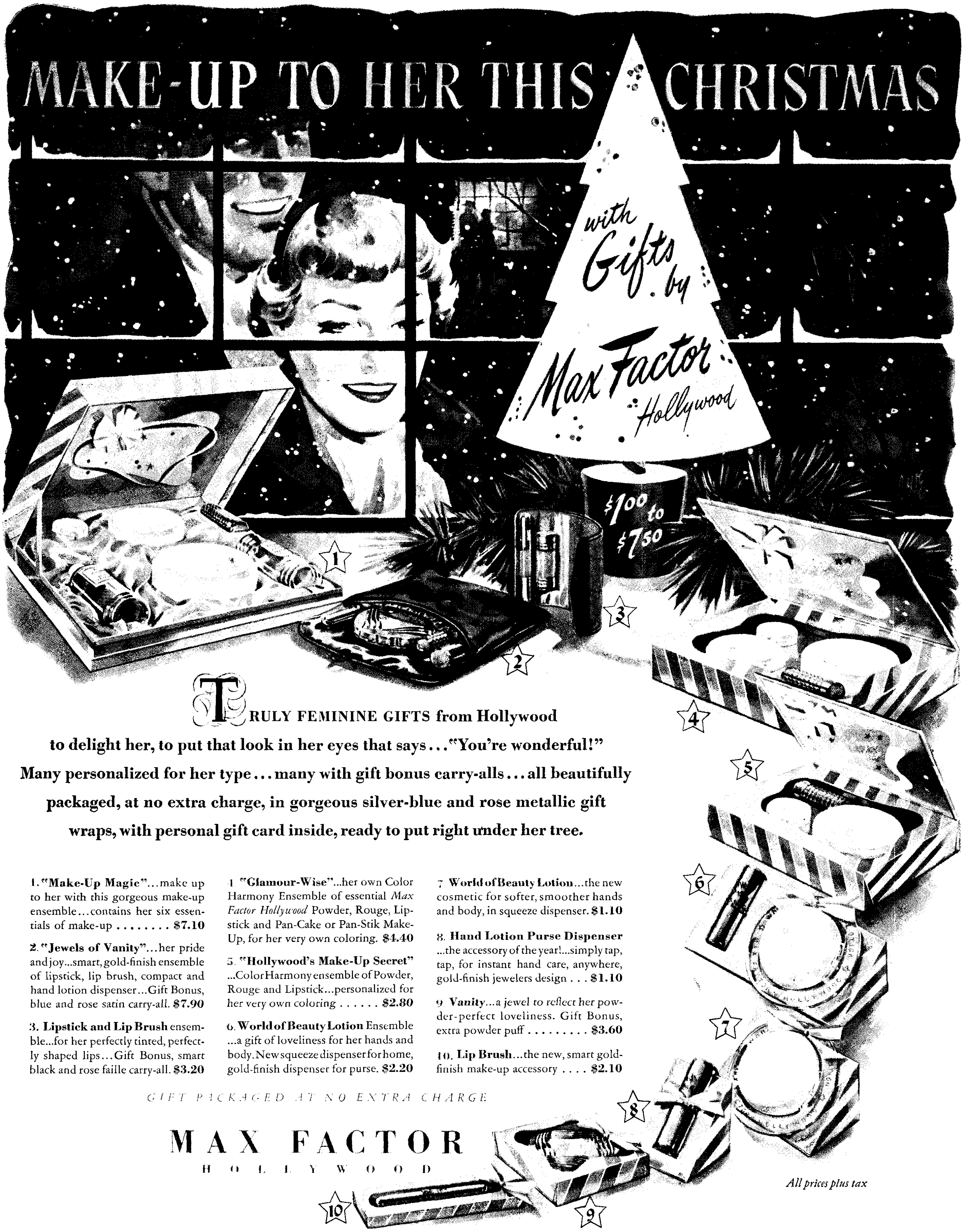

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"You're too heavy to carry," Traff said curtly. "Walk down."

One of the guards slipped down the ladder, and Giff, as he approached the trap door with its blessed current of fresh air, could see him waiting below in the dim light of the corridor lamp. Uncertainly and awkwardly he made his way down the ladder and then Traff prodded him down the stairs and into the empty saloon.

Save for the guards and Traff, there was no one about. Giff had not seen Bentham after his first appearance in the attic. The lamps were all burning brightly and he blinked against the unaccustomed light. He turned his head to ask for water and out of the corner of his eye saw Traff's sudden movement.

Putting a booted foot in the middle of Giff's back, Traff shoved. Too late Giff saw him and then he was off balance. He fell heavily to the floor and rolled over on his back. Traff approached him slowly and looked down at him.

"Want another kick?" Traff asked.

"Another won't matter," Giff said quietly. He knew Traff saw the cold, sustained hatred in his eyes, and he didn't care.

Traff only turned to the guards and said, "Tie his feet."

When that was done and his hat mashed down on his head, three of them lugged him out into the night and down the steps. He was thrown in a waiting buckboard and a tarp pulled loosely over him. Then began the long jolting journey. Giff had no idea where he was being taken or for what reason. He could hear a horseman on either side of him, but there was no conversation. Sometime during the first half hour, he heard the up stage clatter past them full tilt, raising such a racket that he could not have been heard even had he shouted.

Later they left the sound of the creek and moved onto a less rocky road. Were they headed for Torreon?—Giff wondered. For the past twenty-four hours, he had tried to fathom the reason behind his kidnaping and had not succeeded. He was fairly certain that if they intended to dispose of him as they had disposed of Albers, they would have done it by now. A lifeless body was much easier to haul along mountain roads and dim trails to its final resting place than a live man with a voice. His anger at his own gullibility the night he was seized had never ceased rankling. And connected with it was his deep and murderous hatred of Traff. Either Traff must kill him or he would kill Traff, and he wondered if the man knew that.

MORE than two hours had passed, he judged, when the buckboard and its outriders slowed from a trot into a walk. In some way the sounds of the wagon tires and the hoofbeats were altered and seemed almost muffled. Giff listened closely, his senses alert, trying to interpret the change. Their pace slowed and they came to a halt.

"Everything all right?"

Giff identified the voice as Sebree's. He heard Traff answer, "Sure," and then the sound of the two guards dismounting.

The canvas was yanked off him and above him he saw great arching trees against the night sky. His feet were grabbed and he was hauled halfway out of the buckboard, then raised to a sitting position. Immediately he saw that he was in town. The buckboard was pulled up in front of Mrs. Wiatt's.

A quick alarm came to him. What had Mary to do with any of this? He heard Traff's surly voice beside him in the dark: "Open your mouth and I'll belt your teeth out. Get down!"

Giff slipped to the ground. He could make out Sebree's tall form standing by the gate. One of the guards undid the rope binding his feet while the other steadied him; Traff's gun prodded him into movement. Abreast of Sebree, Giff halted and said, "What are we doing here?"

Sebree laughed softly and said, "Go inside and find out." Sebree pushed past and they followed him up onto the porch where he rang the bell.

The door was opened immediately by Mary. She stood motionless only long enough to identify Giff. He did not speak, only looked at her in a puzzled way that seemed to remind her of the others. She stepped aside and said, "Come in." The neat parlor was brightly lighted and as they entered Sebree was the only one to remove his hat. Giff was watching Mary for a clue to the cause of this strange meeting; she was excited and nervous, Giff saw, and oddly there was a happiness in her expression, too.

SHE came up to him and touched him and said, "My room is across the hall, Giff. Go in there for a minute."

Giff glanced from her to Sebree, who was regarding them with an amused tolerance. "No," Giff said. "What is this?"

"Please go, Giff."

"No," Giff said stubbornly. "Whatever's going on, I want to see it."

Mary turned her head to look at Sebree and the glance she exchanged with him meant nothing to Giff. He saw Sebree shrug, then heard him say to Mary, "I'll untie him if you want."

"Get those gunmen out of here first," Mary said coldly.

Sebree turned to his men. "Untie his hands and then get out on the porch by the door. Leave it open." The closest puncher released Giff from his bonds and then he, along with Traff and the other guard, moved out of the door.

Sebree spoke to Mary now. "I have no gun with me, but I'll call them back if he moves." He glanced at Giff. "Is that understood?"

Mary nodded and then turned and vanished into the dark dining room. Giff, totally bewildered, regarded Sebree with mounting suspicion and bafflement. "What are you doing here?" he asked.

Sebree said dryly, "I wouldn't spoil it for worlds."

Mary entered then and in her hand was a newspaper.

She walked straight to Sebree and handed it to him. Sebree could not entirely conceal his haste to receive it and immediately he turned it over and read aloud, "April 17, 1882. That's the one I want." Then he discovered the second newspaper under the first. "What's this?"

"The true copy and the one Albers set up for Deyo," Mary said. "I did more than keep my word."

With a stunning force Giff realized what he was witnessing. Mary was trading for his freedom, the evidence that would ruin Sebree.

"No! Mary, no!" he shouted, and he moved instinctively toward her.

Sebree backed away saying sharply to Mary, "Make him behave!"

Swiftly Mary wheeled and barred Giff's way. "Be still! Be quiet!" she demanded sharply. Holding him, she turned her head and said to Sebree, "Get out!"

Sebree lunged for the door and was gone.

Roughly, Giff seized Mary as if to move her aside and follow.

Mary said harshly, "Are you asking them to kill you?"

Giff checked himself, then slowly removed his hands from her shoulders. It was true. He was unarmed, and now that Sebree had retrieved the ruinous evidence he would cheerfully kill Giff before letting it go.

Only now did the full implication of Mary's act come to him. He rubbed his unshaved cheek with the palm of his hand and looked down at her. She was standing close to him, watching him with sober eyes.

"You had them all the time," Giff accused.

"Ever since I found them months ago," Mary agreed quietly. "I've been blackmailing Sebree with them."

Giff said nothing, only watched her.

"Say it," Mary invited bitterly.

Giff shook his head slowly. "You've said it all."

"Not all," Mary said miserably. "To say it all, I'd have to tell you how my father fawned on him. I'd have to explain to you how good I felt when I demanded money from him and got it. I'd have to explain to you how his money is a special kind of money, not like other money, because he gave it to me in fear."

There was no pity in Giff's face as he listened. He said with a bitter mockery, "I'm surprised you let those papers go when they were making money for you."

Mary flushed at his words, but she didn't answer.

"Why didn't you give the papers to me in the first place?"

"I asked myself that yesterday."

"Then what changed your mind?"

Mary gave him a searching look and then said, "You can ask that, but I don't have to answer it, do I?"

Giff shook his head in bewilderment. "You're a strange girl," he said bitterly. "You're hard at the wrong times and soft when you should be hard."

"Like tonight?"

Giff sighed, "Like tonight. Why couldn't you have kept the papers? Why couldn't you have told Sebree you'd turn them in to Welling if he didn't free me?"

"I could have done that," Mary said slowly and then she added in an almost inaudible voice, "I guess that's what I should have done."

Giff said bitterly, "Well, it's too late now."

"Too late for a lot of things," Mary murmured.

They faced each other almost with defiance, then Giff said, "All it means is that I'll have to get them back."

MARY said nothing and Giff turned and walked out of the house. In the shade of a tree by the front gate, he halted and looked back through the open door. Mary was standing the way he had left her. He knew he had been rough and unkind, and that he should return and admit it.

But his pride, and the need for haste, checked him. He moved then—and not back toward the house—his mind already scheming ahead.

An unreasoning and furious stubbornness was upon him. First of all he had to get hold of a gun. Then somehow he had to get the papers back from Sebree. Passing Henty's saloon he glanced at the horses lining its tie rail; by the dim light of the saloon's lamps he saw the Torreon brand on the hip of the horse closest to him. Halting, he moved over and saw a second and a third horse, both branded Torreon. Turning now, he moved over to Henty's window and looked into the crowded saloon. There was Sebree seated at one of the card tables with Deyo and Kearie. Traff and another man made up the five-handed game of poker that Sebree seemed to be enjoying mightily. At the bar Giff saw his two former guards in conversation with a trio of punchers whom Giff recognized as Torreon hands. There could have been other Torreon hands in the crowd—and there probably were.

The sight of half of Torreon celebrating sobered Giff. Taking the papers away from Sebree seemed impossible. Surrounded by the pick of his toughest men, Sebree could afford to linger over his cards. Giff knew that if he walked into Henty's now he would never make it a quarter of the way to Sebree's table.

But as he walked away from the window, his fierce stubbornness returned. I'm going to try it anyway, he thought. He passed the land office and saw the lantern hanging in the livery archway ahead. Stepping into the office, he saw Cass seated at his desk reading an old copy of the Stockman's Gazette. At his entrance, Cass looked up and then pitched the magazine to the floor. "Where've you been?" Cass demanded.

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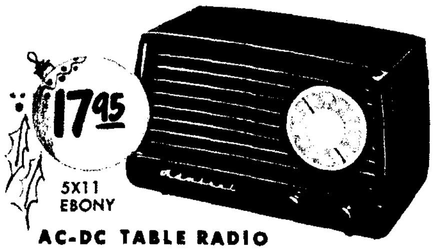

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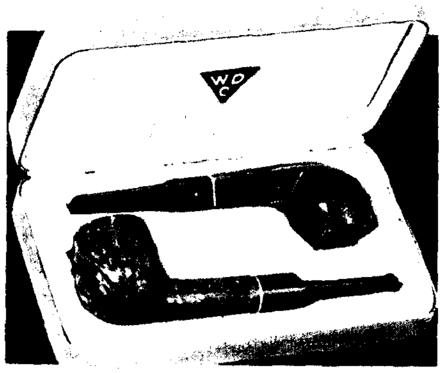

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"I'll tell you later," Giff said shortly, and then added, "Same old question—got another gun?"

Cass said softly, "Oh, oh!" He watched him a long moment. Then he rose and moved over to the wall. On the nail was a holstered gun and shell belt which Cass took down. He said, walking toward Giff, "This is my hostler's. Don't lose it."

While Giff was belting on the gun, Cass watched him soberly. "Need any help?"

Giff shook his head; this wasn't Cass's fight. "Not this time," he said.

He was turning toward the door when Cass said, "That fellow showed up."

Giff halted and looked at him, puzzled.

"Jim Archer. He showed up. He's at the hotel."

"Thanks," Giff said and stepped out into the runway. By the time he had reached the plankwalk, his pace was slowing and then he halted. The idea taking shape in his mind seemed an unlikely one, but he stood there pondering it with growing excitement. *Maybe,* he thought.

WHEELING, he hurried to the hotel. At the desk he asked the clerk, "Which room is Archer's?" and was told. He went up the stairs and tramped down the corridor to the room named by the clerk and knocked on the door. His slim hope was that Sebree did not know Archer was in town and that Archer, therefore, was still waiting for instructions and for a description of his victim.

He heard movement in the room and then the door opened. Confronting him was a middle-aged, mild-looking man, dressed in clean range clothes. He was of average size with colorless, clean-shaven features. A saddle of thinning black hair crossed his pale bald head. He might have been any barber in any town—faceless, pleasant, trusted.

Giff asked, "Did any one get in touch with you yet?"

Archer shook his head slowly. Giff stepped in and closed the door behind him, leaning on it. "You know your job?"

Archer seemed to think that question not worth answering. He said, "I've been paid for it. Just show me the man."

Giff felt a sudden almost sickening hatred of Archer. Beyond that he felt a dread of what he himself was about to do. Here was a killing contracted for and paid for; Giff had only to choose the man to be killed. He thought of the Torreon crew at Henty's. Neither his wrath, his cunning, nor his courage could get him past them to Sebree, whereas this man would go unnoticed.

All that remained was for him to give the word. Yet he felt a deep reluctance within him. The monstrous irony of the situation did not escape him but appreciation of it didn't help. Cold reason told him that it was the wrong way; he should fight it out with Sebree himself. Again memory of Sebree's crew came unbidden to his mind, pushing him to his decision. *Right or not, this is the way it has to be,* he thought, and he moved into the room, making his voice coldly matter-of-fact. "Your man is sitting in Henty's saloon now. Do you know the place?"

"I had a drink there this evening," Archer replied in a mild voice.

"Good." Giff moved over to the bare bureau top and Archer watched him closely.

"Pay attention now," Giff said. "Here's Henty's door." And then, on the bureau top, he sketched out the location of Sebree's table. Then he said, "Your man is facing the door. He's tall, well-fleshed and his mustaches are turning gray. He's wearing a black coat and a new dust-colored Stetson. He has dark eyes and a florid complexion. He wears a heavy gold ring on the fourth finger of his left hand; he'll be smoking a good cigar."

Archer listened alertly and when Giff was finished the man nodded thoughtfully and moved over to the chair on the back of which hung his gun belt. Giff watched him, and felt a fleeting admiration for Bentham's choice of paid assassin. There was nothing about Archer to attract any notice at all. Whatever courage and desperation and depravity he might have was buried under his neat, nondescript appearance.

When he had his gun belt strapped on, he picked up his hat and asked, "Tonight?"

"For sure," Giff said flatly.

Archer nodded almost indifferently and stepped out, closing the door carefully behind him.

Giff stood motionless looking at the door. He had made his decision and he still did not like it. He struggled with the impulse to wrench open the door and shout for Archer to come back; but the certainty that this was the only way held him motionless. Presently he moved to the door and stepped out. He had no notion of how Archer was planning to get away afterward, but he hoped someone in the Torreon crew would kill this quiet unassuming murderer before he could escape.

At the land office corner, he moved up the steps into the deep shadows of its entrance and waited. Presently he saw a man come out of the alley leading a horse, cross the street and disappear into the alley behind Henty's. Watching the alley mouth, he saw the man come out of it, step onto Henty's plankwalk, and enter the saloon.

It was Archer. Giff waited a moment longer and then moved to the corner. In his mind's eye he could see Archer, perhaps buying a cigar, lighting it and then sauntering aimlessly through the packed gaming tables. He would linger a moment watching one of the other games and perhaps decline an invitation to sit in. Eventually, when he had located and identified his man, he would move by easy stages to Sebree's table. There would be no invitation to play here, but watchers, especially strangers, were always tolerated. By now Archer would have located the rear door and would have boldly planned his exit. He would—

The sound of a shot inside Henty's yanked Giff into awareness and movement. He crossed the street slowly at first and then when the first man boiled out of the door on the heel of several gunshots, he ran, jerking out his gun. At the bat-wing door of the saloon, he let a man pass him and then stepped inside.

The room was in pandemonium. The more prudent gamblers had dived under the tables. Others were fighting for the front door. Traff, gun in hand, was smashing his way through overturned chairs and wildly shouting men, headed for the alley door. Behind him were Giff's guards, viciously clubbing aside anyone barring their way to the rear exit. Behind them were three other men shouldering through in Traff's wake. A cursing bedlam filled the room.

It was toward Sebree's table that Giff roughly elbowed his way. He saw Deyo and Kearie standing at the table looking down at the floor where three men were kneeling. Giff circled so that at his approach he would face Kearie and Deyo and then he knelt beside the other three. He had his brief look at Sebree sprawled on his back on the floor, eyes open and unseeing, blood pooling under him and spreading slowly on his white shirt front.

Roughly Giff reached into Sebree's inside coat pocket and felt only a wallet. His glance lifted to Deyo and only now did the land office official identify him. Protruding from under the front edge of Deyo's coat was a corner of the telltale newspapers. Giff rose as Deyo was turning quickly away. Giff lunged over Sebree's body, grabbed Deyo's arm and roughly spun him around. He rammed his gun into the man's soft midriff with a violence that drove the breath from him. With his free hand, Giff reached into Deyo's inside coat pocket and hauled forth the papers, wheeling away so that Kearie and the others came within the arc of his leveled gun.

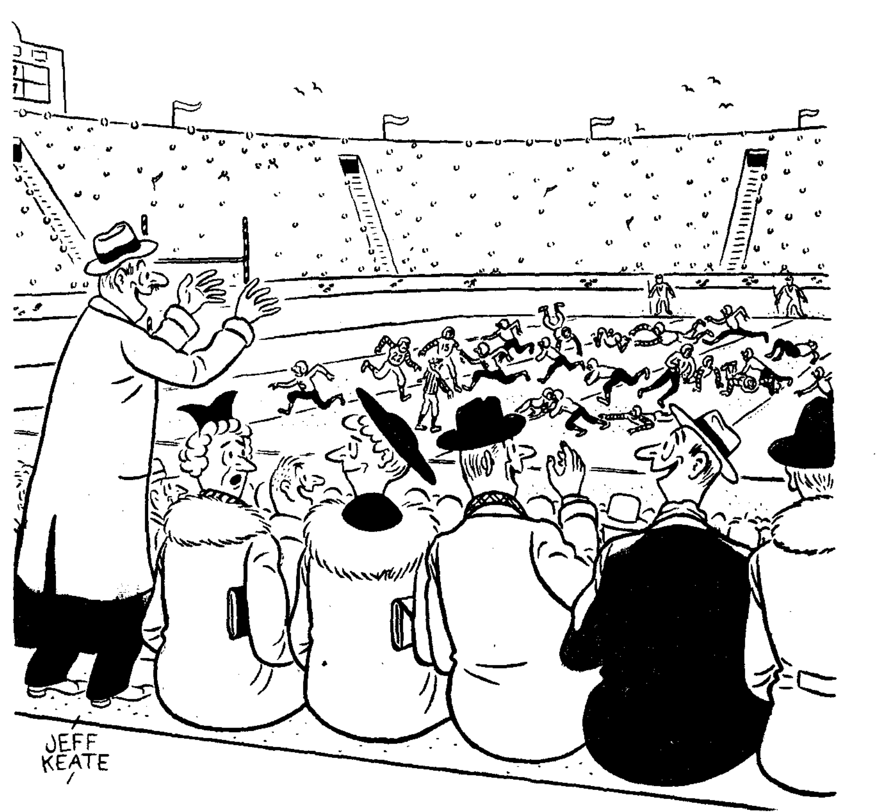
"Better run now, Deyo," he said softly. Then he backed up a step, lowered his gun, and moved toward the rear door without turning his back.

He could hear shouts on the street and in the alley; he stepped quickly through the alley door and put his back to the wall of the saloon. Traff was in the alley mouth bawling directions across the street. A scattering of gunfire could be heard.

AS GIFF moved, his foot touched an empty bottle, sending it rolling into the wall of the saloon. At its soft tinkle, Traff wheeled. In the half-light of the alley he identified Giff.

In a blind unthinking rage, Traff raised his gun and started running toward Giff, firing as he ran. On the heel of his shot, Giff took aim and when Traff's bulk blacked out his sights, he pulled the trigger. Traff sat down as if some unseen hand had pulled him to the ground. He wrapped both arms about his belly and rolled over.

Giff moved past him into the road and crossed it quickly. There were men milling in the street before Henty's, talking and



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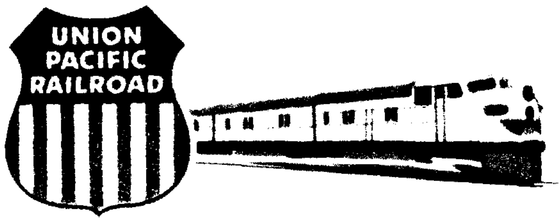

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watching the door. Holstering his gun, Giff skirted them and turned at the land office corner.

A couple of men at a dead run almost ran into him and as he stepped aside he saw others in the street heading toward Henty's. In front of the Plains Bar a handful of men stood before the door looking downstreet, as if undecided whether the ruckus were worth watching.

"What's the shooting?" asked one man who was still holding his deal of cards in his hand. Giff shrugged and shouldered past him. Welling, he was certain, would be inside and he moved into the saloon. Some of the gaming tables were deserted. At the corner table Giff saw Welling and Fiske and he walked toward them.

Fiske, a cigar clamped in the corner of his mouth, was looking bored and irritable. Welling's sullen face, slack and heavy with his nightly ration of whisky, was staring without interest at the men lining the bar.

Fiske saw Giff first and came half out of his chair; his movement attracted Welling's attention and then Welling saw him. Giff halted before the table and put down the two newspapers. He said to Fiske, "There they are, Bill. You'd better get them to a safe place."

A curious transformation took place in Fiske's face. The irritability gave place to a stunned amazement as he reached for the newspapers; when he read the dates, saw both copies were there, an expression almost of reverence came into his Scots face.

Welling swept the papers roughly from Fiske's hand and looked at the dates too. He smiled, and then tapped them, looking up at Giff. "They're the ones stolen from Albers?"

Giff nodded.

"Who had them?"

"Mary Kincheon."

A faint, crooked smile touched Welling's face. He was remembering Mary's treatment of him. He said softly, then, "We'll see what the district attorney can charge her with. It's got to be something."

For a brief moment, Giff stared at him. Then he reached for the papers, drew them gently from Welling's hand, and laid them before Fiske.

Then, without a word, he reached across the table, balled up Welling's shirt and hauled him roughly out of his chair. Still without a word, he hit Welling in the face with all his might. Welling was torn from his grasp. He sat down in the chair and then somersaulted completely out of it, slammed against the wall, and sprawled on his face.

Giff, rubbing his knuckles, looked at Fiske. The old man rose, sighed, said dryly, "It's great to be young," picked up the papers, and started for the door without so much as a backward glance at Welling.

A CROWD began to collect now around the table, and Giff turned and went outside. He turned upstreet, headed for Mrs. Wiatt's. The memory of his rough words to Mary again disturbed him.

The crowd around Henty's was swelling. He heard one man on the fringe of it say to his companion, "Sure. He made it down the alley to the livery, and then I guess Murray's horses spooked his pony. It throwed him, and he fought it out with Torreon."

"Who was it?"

"Stranger."

So Archer had lost his gamble, just as Sebree had lost his. Giff felt no regret for their deaths—only for the way he had been forced to bring them about.

He skirted the milling crowd and went on up the lonely street. He felt drained of all anger, but his feeling of guilt at the memory of Mary kept nagging at him. He winced inwardly as he remembered his words to her—self-righteous and accusing words. Remembering how she had looked at him, he knew she would have preferred that he curse her.

Lamps were still alight in the house as he turned in, mounted the steps and knocked on the door. Mrs. Wiatt answered it. She peered closely at him in the dim light reflected from the parlor lamp, and then recognized him.

"Are you responsible for the crying that's going on in there?" she demanded, nodding her head in the direction of Mary's room.

"I likely am," Giff admitted.

Mrs. Wiatt swung the door open. "Do something about it," she ordered tartly.

Giff moved past her through the parlor and into the hall. Pausing before Mary's closed door, he knocked. Presently he heard her bid him enter and he opened the door. She was emptying a bureau drawer of her clothes which she was placing on the bed. At the sight of him she straightened up, looking slim and sad and fiercely alone.

He could see she had been crying and she did not try to hide it from him. Closing the door behind him, he came across the room and rested both hands on the footboard of the big walnut bed. "It's a little late to say I was too rough, isn't it?"

MARY nodded assent and Giff, again touched with shame, looked down at his hands.

"Are you going to apologize for speaking your kind of truth?" Mary asked quietly.

Giff glanced up, puzzled at her words.

"I know, you don't admire blackmail," Mary continued. "You don't have to say it again."

Giff shook his head slowly. "I never meant to say it at all."

"You had a right to. I'm not a good person. You know that now."

Giff looked searchingly at her, then came around the end of the bed and halted before her.

"You think *I* am? Have you ever wondered how I caught the buckshot Doc Miller pried out of me?"

When Mary didn't answer, he said, "Three of us trail hands decided one day we'd been without money long enough. There was a bank in one of these little trail towns that the government used to pay off drovers. It was full of money, and we wanted it."

He paused, watching the interest stirring in Mary's eyes.

"Two of us wanted it, that is; the third one decided he could make more money by warning the bank. They were ready for us when we got off our horses at the bank corner. That's where I picked up the buckshot—just as I stepped around my horse." He waited a moment. "How does blackmail stack up beside that?"

"Not very tall," Mary said softly.

Giff regarded her soberly. "Maybe that's why I wanted so badly to play out my hand here. I got kicked and beat into doing something straight, and I wanted to finish it straight. I could see it all lost when you handed those papers to Sebree. If I talked rough, I felt rough."

"I'm glad it's no apology," Mary said.

Giff smiled and shook his head. He reached out and took one of her hands in his and looked down at it. It was a small, strong hand, and the grime of printer's ink stained it faintly. The sight of it reminded him again that this was no soft and pampered girl, but a woman who had known work and poverty and even fear. She was his kind of woman, where the other kind could never be. She understood without having to put it into words the small dishonesties, the angers, the wrong judgments and the longings for something better that he had found in himself. All that was nothing without the gentleness, and the gentleness he had seen for himself.

He nodded to the clothes on her bed. "On the move again?"

She nodded soberly.

"Can you afford two train tickets? Neither one of us owns a horse."

"Tickets to where?" Mary asked softly.

"A place in Wyoming way back against the peaks. I've passed it a dozen times. It's so far away from a town it's lost. We'll have to build a school for our kids."

"I can afford the money," Mary said gently. "Can you afford the time?"

"There's plenty of time," he said. "The rest of our lives." THE END

The Testing of Joey

CONTINUED FROM PAGE 27

I didn't say anything. We were still two blocks away from school.

"Well," Benny said, a jumping jack who kept bouncing in front of me, behind me, and to the side of me. I could have hit his little rat-face, the way he was looking at me, his mouth covered with wet licorice.

"Are you going with us?" Petey asked, walking slower.

"All of us?" I said. My hands were getting moist and I shoved them into my pockets to dry them on the lining. "I don't know, Petey. Miss Frazer'll get suspicious if she doesn't see any of us there."

"Let her," Petey said. "You're allowed to be absent sometime. If you wait to get sick, you'll never be absent."

"But if none of us show up, she might call the truant officer."

"So what?" Petey said.

"Yeah, so what?" Benny said.

"We can go to the show," Frankie said. "He'll never find us."

"I got no money," I said, turning my pockets inside out to show them.

"You don't need no money," Petey said. "We're sneaking in."

We were only a block away from school now.

"Are you afraid?" Benny asked.

"Who, me?"

"Yeah, you, teacher's pet!" And that little stinker, Benny, a half-head shorter than me, began hopping around me like he was an Indian and I was a bonfire. For a second I lost my temper and when he got close enough to me, I gave him a shove on the shoulder that caught him off balance and sent him sprawling across the sidewalk, hanging half over the curb. Like a flung-off dog, he came scrambling back with his fists closed and his face stuck into mine.

"What's the idea, what's the idea!"

I walked ahead of him, ignoring him. For a whole block Benny kept on saying, "What's the idea!" sicked on by Petey, and I kept on not answering him. Frankie was enjoying it by not saying anything. Maybe Frankie, who was an altar boy just like me and should have known better, didn't know it, but fighting is a venial sin and—whether he knew it or not—he was committing a sin of omission, like Father Alberti said, by not doing anything to stop the fight, just walking along and sinning. We'll see just how much Mr. Frankie Grillo likes it in Purgatory.

"What's the big idea, what's the big idea!"

By this time we were already outside school and kids were all over the place, sliding down the brass banisters of the steps leading to the playground; climbing over the high spiked fences, even though they could have walked right up the stairs; and all of them running around like a big game of tag. At the bottom of the steps, Petey grabbed me and Benny by the arm.

Petey asked Benny first, "Do you want to fight Joey?"

Benny didn't say anything because I was practically a head taller than him and he just stood there making little protesting noises with his mouth, looking and sounding like a baby sucking a nipple. All the buttons down his shirt had become unthreaded and you could see how skinny and pigeon-breasted he was. He didn't want to fight, you could see that. And I didn't either, because my arms were sore from playing so much baseball. Petey asked him again, "Do you want to fight Joey?"

You couldn't hear Benny and whatever he said, he said more to himself, like altar-boy responses. Benny looked at me and then I looked at him. I caught his eye and we both looked down. Petey turned to me. "Do you want to fight Benny?"

THAT'S when I made my first big mistake. I should have said yes, just to bluff him along, but instead I said, "What for?"

"You pushed him down, didn't you?" Petey said.

"Yeah, yeah!" Now Benny got the idea that I was afraid to fight him, because all of a sudden he began to stick his face up into mine and started rubbing his knuckles against his blue jeans, as if he could sharpen them that way. I turned my head away. His mouth still smelled from his lunch: licorice, peanuts and peppermint.

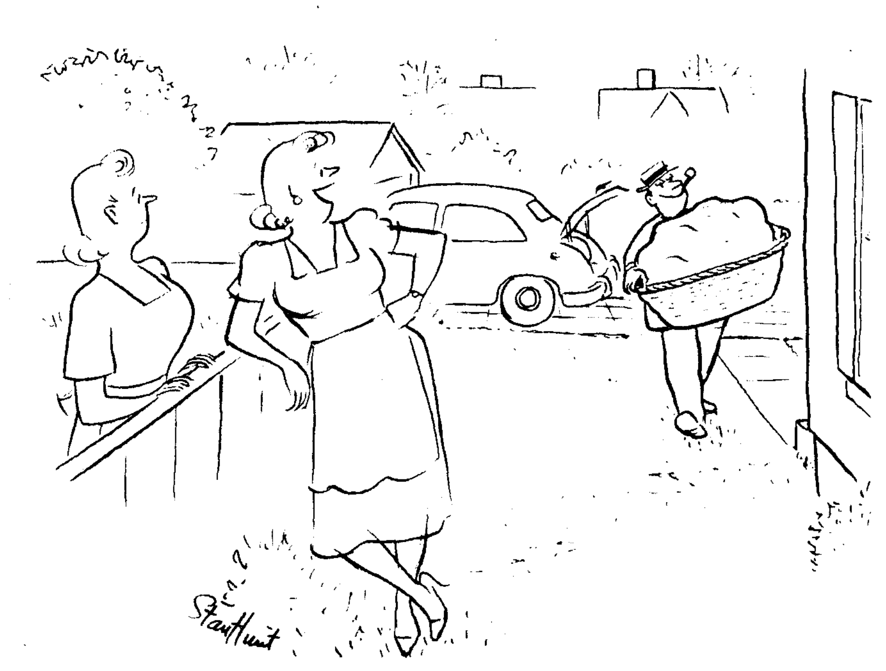
"Nobody's pushing me down," Benny said. "Nobody's getting away with nothing like that with me, no, sir!"

I walked around him, up the steps to the playground. Benny went up the "Down" side of the stairs, two steps at a time, and got to the top before me, waiting up there with his disgusting little rat-face. I was always afraid of rats anyway, no matter what Papa did to cure my fear of them, and there was that pointy face of Benny's watching me from the head of the stairs, his eyes like two holes in a dark corner.

"We'll see who's pushing who!" he yelled down.

At the top of the stairs I pushed him away and said, "Don't bother me."

"Oh, don't bother you!" Benny said, walking around me like a cat around a



"No, he loves it. There's a bar and grill right next to the automatic laundry"

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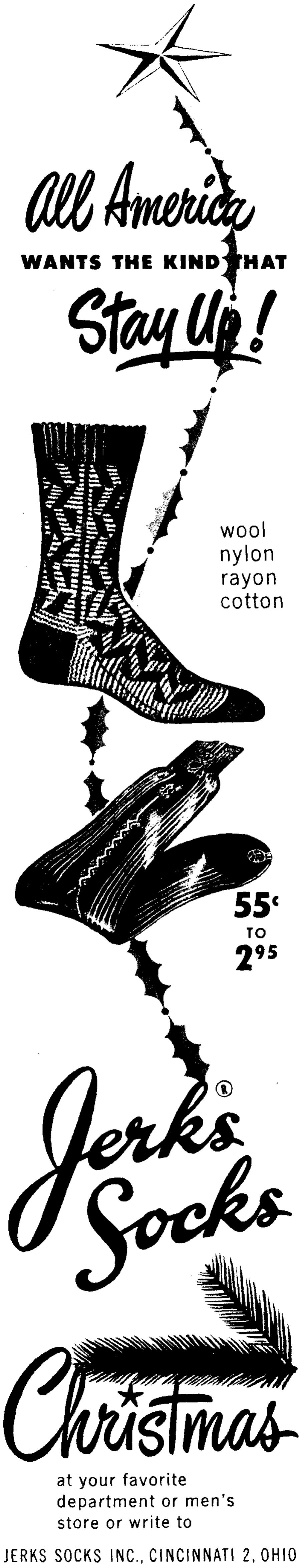


chair. I just looked down at him. There was no use starting anything. I could hardly lift up my arm from all that pitching I did the Saturday before.

"Come here, Benny." Petey had stopped a little kid and was holding a twelve-inch ruler in his hand. Benny went over to him and Petey whispered something to him behind his hand. Benny took the ruler and nodded his head, still acting mad.

Balancing the ruler six inches on each side of his shoulder, Benny said to me, "Go ahead and knock it off."

I stood there, watching the ruler seesaw on Benny's shoulder; watching Petey tend a little garden of pimples on his chin with the long blade of a spring penknife; watching Frankie smiling and omissioning sins all over the playground.

"Come on and fight!" Benny yelled out of the side of his mouth, half at me and half at Petey. He was trying to act tough for Petey's benefit and it made me sick just to watch him. Because if it wasn't for those three games I pitched the Saturday before, the last one going extra innings, and for all the wood Mama made me carry up from the cellar later on, I could have whipped the little stinker with my right hand tied behind my back.

"Come on," Benny said, sailing the ruler through the air. "Put up your fists."

He put up his fists like those old-time fighters on the picture post cards, Jake Kilrain and John L. Sullivan, posing with his knuckles facing up and his pinkies sticking out. He thought the pinkies were fancy. If I wanted to, I could have told him that it was a good way to break your fingers. Kid Adams, the ex-pug himself, told me. Boy, if my hands weren't hurting from all those chinning-up exercises I did on those cellar beams when I went to get the wood for Mama, I could have knocked him from one end of the playground to the other, him and his stuck-out pinkies.

"Go ahead and fight, Joey." That was from Frankie, the altar boy.

Benny was still posing with his ancient fighting stance, shadowboxing and shuffling in toward me. I didn't even bother to put my hands up. Why should I fight him, me a head taller? What did I have to gain if I licked him? Then I felt his left ticky off my shoulder and I backed away.

"Come on and fight!" Benny yelled, pushing his underlip out. A lot of kids gathered around now in a closed circle and began to yell for me to fight—girls and everything. I kept my hands in my pockets. Benny was circling in front of the crowd, weaving his body and wiping his nose with his thumb, imitating a prize fighter.

Above the shouts of everybody else I could hear my kid brother, Natale, yelling, "Fight him, Joey! Fight him!"

NOW everybody was yelling for me to fight. But I couldn't. None of them, not even my own brother, would believe me if I told them the truth about why I wasn't fighting. So the heck with them. Benny was getting frisky, seeing that I wouldn't fight, and he came in at me, charging with his head down, his arms splashing out over his head like a bad swimmer. I side-stepped his first rush easy, my hands still in my pockets, and he crashed right into a wall of kids.

Nang!

It was the school bell. The crowd broke up and started for the entrances, jeering at me and calling me names; and Petey and Frankie, with Benny between them, went strutting across the playground to play hooky, like they owned the world. As I stood there watching them go down the steps, my kid brother walked past me with his head down. . . .

Papa was sitting around the kitchen table when I got home from school; he was back from an afternoon shape-up at the docks and still wearing his longshoring khakis. He didn't say anything to me when I came in and I could feel his eyes on me as I set my strapped books on the closet floor. My kid brother and my two sisters, Concetta and Amelia, were all sitting around the table and watching me, too. I knew something was wrong.

"Where's Mama?" I asked.

Papa just looked at me.

"Did she go to the store?"

Without answering me, Papa got up and put his arm around my big sister, Concetta. "You a good fighter?"

"Are we going to fight, Papa?" she asked, stepping back, beginning to tuck the hem of her dress into her bloomers and getting ready for action. What a tomboy! It could turn your stomach just to look at her.

"No me," Papa said. "I'm want you and Joey to fight."

Fight Concetta, my own sister! Papa was crazy! I wasn't going to fight no girl, tomboy or not, even if she is as big as me and two years older. What did he think I was anyway?

"I won't do it," I said, walking around the table. "No, sir. What do you think I am anyway?"

"You're a cow'! That's whatch you are!"

"Who's a coward?" I said, my arm hurting so bad I could hardly lift it. I squeezed the pain out of my pitching arm, but Papa wasn't even looking.

"Come here, Concetta," Papa said, and my dumb sister went over, blowing on her fists that were clenched just like a dumb girl's, the thumbs under the rest of her fingers.

"I can lick Joey," she said, leading with her right hand, the left practically paralyzed to her side. I just moved my head and let her punch ride over my shoulder.

Amelia said, "I can lick him, too."

And my snitcher kid brother, who fights like Papa, Italian style, kicking and biting, said, "I can lick him, too."

"Everybody's lick Joey," Papa said; and yanking me from behind the table, he spun me into the middle of the room, facing Concetta. "Now putch up your hands," Papa said, and I put them up the way Kid Adams showed me, the left leading straight out and ready to jab and the right cocked against my chest for a knockout. Papa came between me and Concetta.

"That's how you fight?" he asked, slapping my right fist down. "You a righty or lefty?"

"I'm a righty."

"Then putch your right hand out like you sister—*stupido!*"

I switched, the way Papa wanted me to.

"Now fight," Papa said.

NO SOONER did he say it than my tomboy sister lit out after me with both her hands spinning like pin wheels around her head. I danced away lightly with good footwork, holding her head off with my open hand. I could have slapped her senseless, if I wanted. But I wasn't fighting any girls and getting a queer reputation, not with my squealer brother around. Papa was following behind me, shouting in my ear, "Fight, fight!"

"I ain't going to fight no girl," I said, skipping sideways all over the kitchen from the stove to the icebox, behind the table and chairs, my dumb sister stalking me with her head buried in her chest, her arms flying every which way. She didn't land a solid blow on me.

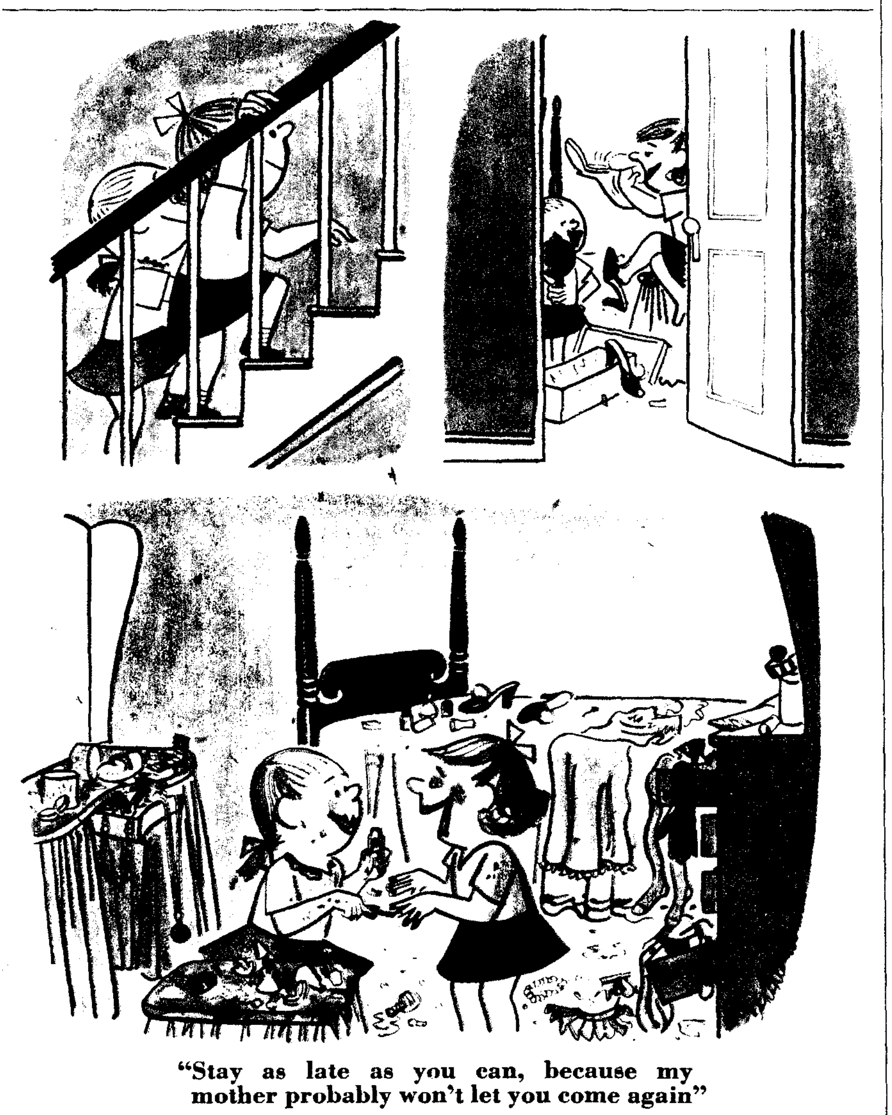
"Oh," Papa said, stepping in and grabbing Concetta's wrists, "you no wanna fight girl, huh?"

"No," I said.

"All right, you no fight girl." Papa let go of Concetta and grabbed me with that big longshoring hand of his, his fingers meeting around my arm like he was holding a rolled-up newspaper. Just as he started to march me out of the kitchen, Mama came in, her face looking surprised between two full shopping bags.

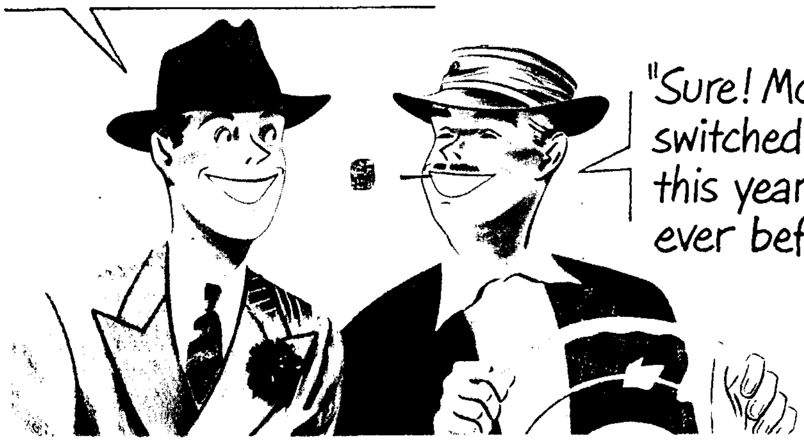
"Patsy," Mama said to Papa, "where you and Joey go?"

SISTER



"Stay as late as you can, because my mother probably won't let you come again"

COLLIER'S STANLEY & JANICE BERENSTAIN


"You see more and more new De Sotos on the road!"
"Sure! More people switched to De Soto this year than ever before!"

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"I like De Soto because it gives you so much more room!"
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"Drive a De Soto before you decide!"

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"Never mind where we go."

I knew where we were going. It was always the same story with Papa. Like that time Mama told him I was afraid to climb the clothes pole to hang up the fallen line, and he made me do it, dizzy or not, broken back or not; and like the time he found out I was afraid of the dark and he tried to cure me by shutting me in the closet. Now he was going to take me to Benny Sennella's house to finish up the fight that started in the playground.

"Move away," Papa threatened, pushing Mama easy. But Mama didn't budge. She stood in front of him, with the bulging shopping bags, blocking the door.

"Where you take Joey?"

"I'm take him to fight!"

"Fight! Patsy, you go craze?"

"Sure, I'm go craze. Move away!" Papa shoved her and the bags aside, like brushing a curtain away. "If you think I'm have a cow' in the family—you craze!"

"A cow'?"

"A cow'!"

My squealer kid brother spoke up. "Mama, right in front of everybody Joey wouldn't fight Benny Sennella—"

"My arm—" I began.

"Shutupa arm!" Papa finished, his ax of a hand raised over my head.

"Patsy, Joey's no cow'," Mama said, no help at all. "He's no like to fight, that's all."

"That's a cow'," Papa said, shoving me ahead of him into the hall.

"Patsy—"

"No talk me!" Papa slammed the door.

"Oh, *Dio!* Oh, *Dio!*" I could hear Mama wailing as I went down the stairs ahead of Papa. But what could you do?

We walked along the streets without saying anything. My arm was going numb under Papa's hand and I could feel needles of blood pinpricking my finger tips.

"Papa, I don't think Benny's home yet. He went with Petey and Frankie."

No answer; only a tighter grip around my arm. At Franklin Avenue, Papa turned to go east instead of the other way.

"Papa, Benny lives the other way."

Again the tight grip.

WE WALKED the length of the block and turned the corner again, into Little Nassau Street. Now I was really scared. I braked my heels into the pavement, but Papa pulled me along with him.

"Papa, where are we going?"

I looked up at him; there was a crooked smile hiding under his big mustache.

Little Nassau Street! Petey Curcio!

"Papa, I can't fight Petey! He's too big—he's two years older than me—he smokes cigarettes and—he carries a knife around with him!" I tried to break away, but Papa's hand was a twisting tourniquet around my arm. We crossed the street at the D.S.C. station and Papa led me right to Petey's door.

"Now go tell Petey to come out."

"It wasn't Petey—"

"Shutupa, cow'!"

"But Petey's not home, Papa. Him and Benny and—"

"Go 'head and call him."

"I swear to God, Papa. Him and—" And just as I raised my right hand to tell Papa about the three of them playing hooky Petey came smoking around the corner, followed by Benny and Frankie. Seeing me and Papa together, Petey stopped. Benny and Frankie stopped right behind him. I tried to smile at them and I lifted a half-hello with my free arm.

"Petey," Papa said, walking toward him, "no be afraid. I'm no hurtch you."

Petey flicked his cigarette away and backed off, keeping a safe distance between himself and Papa. Petey slit his eyes at me, snarling at the same time so that I could see the gap from his missing tooth—the one he carried around in his pocket for good luck, like a saint's medal. "Why don't you let Joey fight his own battles?"

"Okay," Papa said. "You wanna fight Joey?"

"Sure I'll fight him." Petey looked at me and suddenly my arms felt heavier, full of blood. His face was serious with tight-mad lips, and his hands were closed along his pants, ready to fight. Frankie and Benny inched in closer.

"Papa, my arms hurt from—"

"Shutupa, cow'!" Papa dragged me toward Petey and then stood between us like a referee. He looked from me to Petey, nodding his head to himself.

"Okay, Petey," Papa said, stepping back. "Beat him up!"

That's an old man for you! Telling people who weren't even his own flesh and blood to beat you up, to kill you! I looked over to Papa, but Petey was already starting in for me. Without thinking about it, I stuck out my left hand, the way Kid Adams showed me, and just as Petey came in, I caught him flush on the jaw with a straight jab.

"The right hand, the right hand!" Papa screamed.

Petey backed off, watching me. He was sore now and he got a look in his eyes of long open knives and short burning cigarettes. He came in cautiously, step by step, and backed me up against the areaway. Then, rushing wildly, he caught me right on the eye with a roundhouse right that he telegraphed all the way from Greenpoint, a looping punch that I could have blocked easy with my forearm if I hadn't been jammed against the areaway. As I side-danced away, the eye began to throb. Then a flaming red curtain dropped in front of it and I couldn't see. I was blind!

"I can't see! I can't see!" I cried, holding one hand over my eye and trying to hold off Petey with the other. But Petey was in on top of me, throwing his fists all over my face and neck. Another roundhouse right crashed against my nose and I could feel the blood beginning to gush out.

"*Buono*, Petey! Give him some more!"

Oh, you murderer, you traitor! A big bully of a father, just like Petey, who could stand there and see his own flesh and blood killed! Okay, Papa, let him kill me if that's what you want! My eye was closed tight now, the pain in it ticking like a big clock. My nose felt numb and broken and a current of pain shot up to my eyes, making tears come out of them. There was a whole lot of blood running down my nose onto my shirt and I didn't care. I didn't care if every drop of blood ran out of me and I bled to death. You might just as well be dead as have an old man like that. Listen to him: "Hitch him again, Petey! Hitch him!" Stupid foreigner greenhorn old man! I hate you—I could kill you. I'll kill you both.

I don't know what happened then. Petey's fists were falling fast around my head and then I lashed out blindly with my head down, like Concetta, not caring about anything, living or dying, Petey or Papa, nothing. I just wanted to hurt something or kill something, savagely, swinging left right left right, feeling my fists falling on Petey's nose—left right, throwing punches until my arms ached for real, backing Petey up and punching all the time, following Petey's shoes with my good eye as they went back and back. Then I fell over the curb and went sprawling headfirst into the gutter.

I stayed there. I knew I could never get up now. The blood from my nose was coming faster and I could feel the humped cobblestones pressing hard against my chest, grating against my legs like a giant washboard. Somebody was standing over me, saying something. I raised myself on my elbow to get up and when I looked at my fist I got sick. There was blood all over it, blood from Petey's nose. I felt faint. I fell down on my face again.

"Get up, Joey. Get up."

I FELT Papa's big hand on my arm and I lifted myself to my feet, my legs feeling floppy and lifeless. All right, Papa, all right. Come on, Petey, come on. I couldn't see Petey or anything, but my hands came up halfway, guarding my face. I stood there waiting for the next rush. I closed my eyes and I could feel myself swaying, just like the time Papa made me climb the clothes pole.

"Joey, Joey." It was Papa again, shaking me by the arm. I could barely see him out of my good eye and everything seemed strange and unreal, dreamy, as if I didn't belong where I was; I had a queer sensation that I had broken every window in the house and Papa was looking at me. I began to cry and threw my arms around him.

"Papa, I don't want to fight! I don't want to fight!"

The tears and blood were getting mixed together and I could taste a stickiness and a saltiness at the corner of my mouth. Papa was wiping my face with his bandanna handkerchief.

"Sure, sure. Is all right, Joey."

Through my good eye I saw Benny and Frankie, one on each side of me. I looked around.

"Where's Petey?"

"He's a cow'," Papa said, patting gently around my closed eye with a ball of bandanna. "I knew all the time he was a cow'. He's run away when the blood came his nose."

I licked Petey—my first fight!

Papa touched my closed eye with his finger tips. "Your eye is get black."

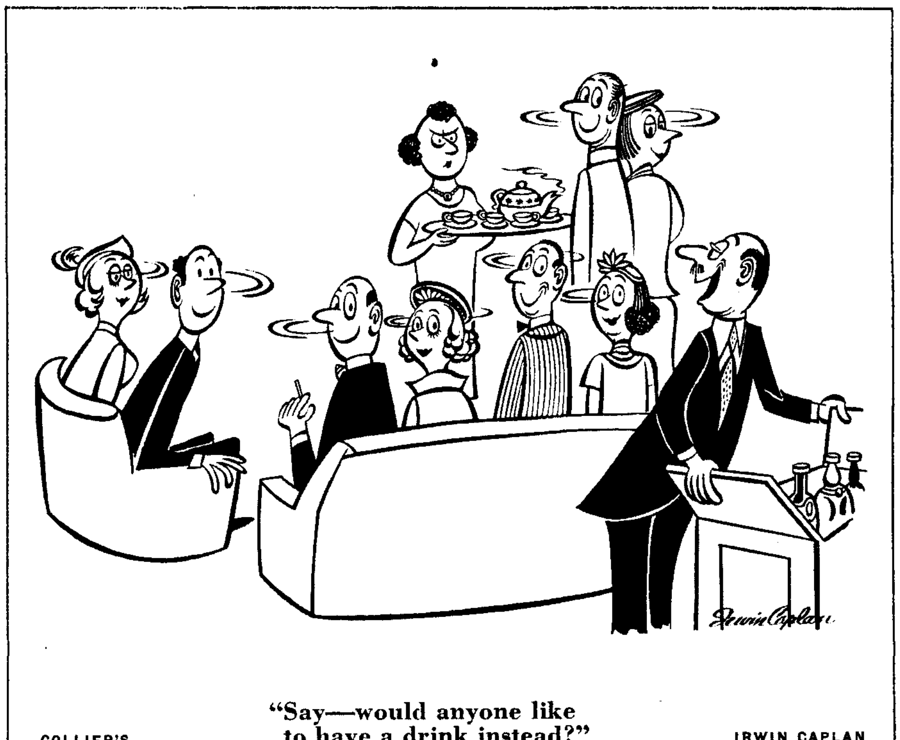
A black eye—my first black eye!

"Stop cry'. Is go away in a week."

I hope it never goes away!

"Stop cry'."

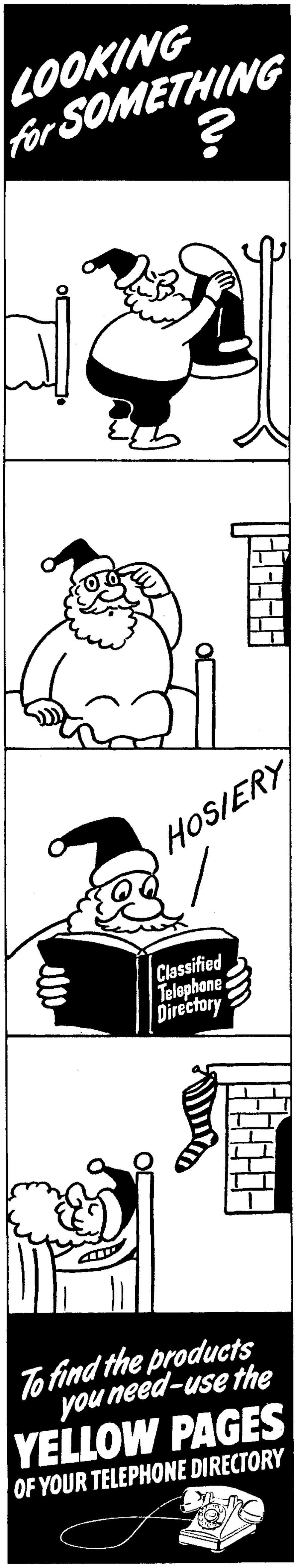
THE END



COLLIER'S

"Say—would anyone like to have a drink instead?"

IRWIN CAPLAN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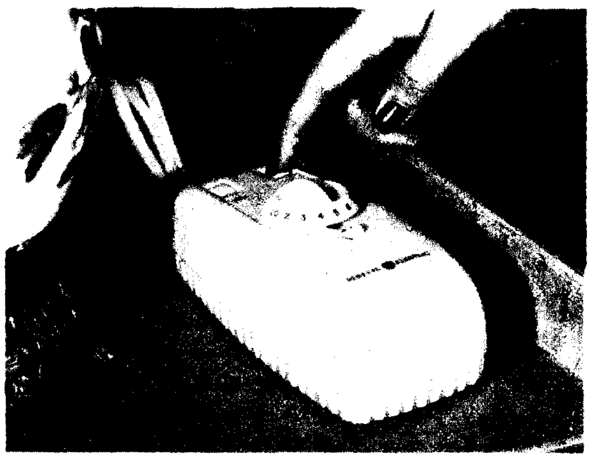

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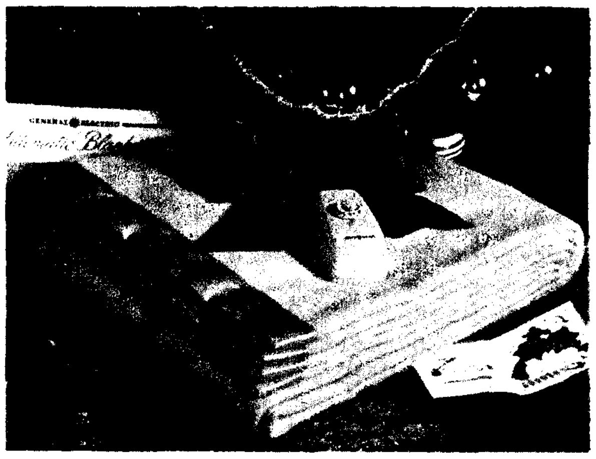

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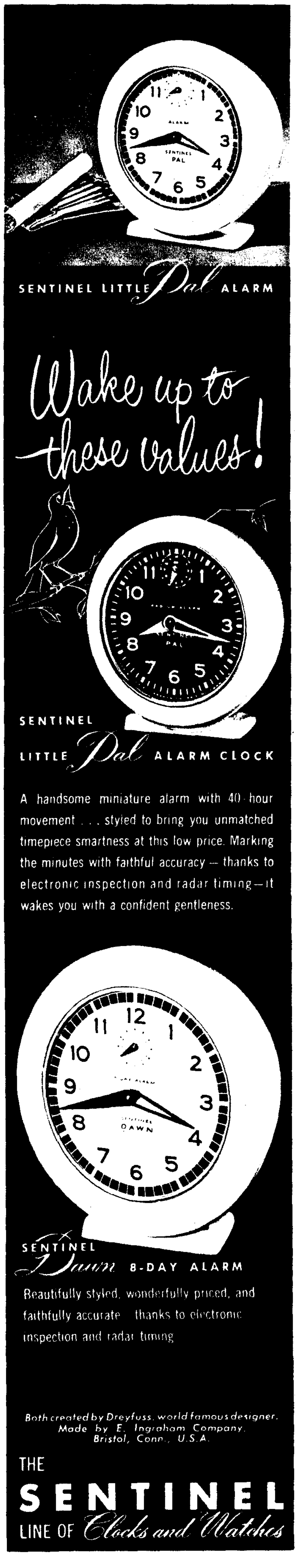
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Gold in Your Hair

CONTINUED FROM PAGE 22

was hot, for Vermont, and he said the house was smothering him. Lovely lazy midsummer, Judith said. Down-country steam heat, her father snorted. He didn't return from his walk and when at last they went to look for him they found him face down in the road, only a few yards from the house. He could not move or speak. When Henry picked him up the breath lunged from his throat. The professor was dying, Henry thought. But he was still alive when they reached the house. He was still breathing when the doctor arrived, ten miles from Jordan in fifteen minutes.

"I love the old fool like a son," the doctor said. "What have I been telling him for twenty years?"

Judith said, "Will he die?"

The doctor looked at her through his steel-rimmed spectacles. "Ayeh. We all will. But not right off." He reached under his glasses with his thumb to wipe his eyes. "I should think perhaps the next one will kill him."

"The next?"

"Call it a stroke. Well, I told him."

"He has been drinking less, Dr. Pumper."

"Ayeh. He cut down from a quart a day to a pint."

The doctor turned his head and winked solemnly at Henry. His ugly face, worn and wise and old, was miserably unhappy.

"You youngsters are the ones will bear the brunt," the doctor said later to Henry. "Some of the paralysis will recede. Maybe a lot of it. But he might be flat on his back in that bed for ten years. You up to it?"

Henry thought about that and said, "I don't know."

"I do," Dr. Pumper said. "Nobody is. We do our best, that's all." He tapped his nose with his glasses while he tried to find words for what he wanted to say. "Living is a one-time thing. You know that song? That's the way it ought to go." He closed his eyes and drummed the spectacles upon his nose. He added, "California might be good for him, later on."

TWO shifts of nurses were installed in the spare wing of the white farmhouse. Henry wired his laboratory and got an extra thirty-day delay. The professor was able to speak and see and move his left arm. His face was grotesquely cut in half by the paralysis. The right side sagged, the left side was alive. He looked at himself in the mirror and said, "Good God, a bad Picasso."

"He tries to be brave," Judith said. "But he isn't. He's terribly frightened. Hank, he wants me to stay with him."

"Sure," Henry said. "He'll be with us."

"No, not in California. He won't think of leaving here. I mean, he's asking me not to get married and go away just now. He's asking me not to leave him." Her lips were trembling. She said, "Hank, what shall I do?"

Once Judith had said, "There's nothing wrong with Daddy except that he's never been in love."

"There's a red-hot romantic notion," Henry said.

"No, honestly. I sneaked into a trunk once and read his love letters to Mother and they aren't love letters at all. It isn't as if he was inarticulate. Oh, he felt an affection for her, but I'll bet they'd never have married if she hadn't had some money, and a rich wife is almost the best step any professor can make in his career. It sounds as if I'm accusing him of being cold and calculating and I'm sure it wasn't ever that way with him—it was charmingly impulsive. His charm has always been his impulsiveness and it's been his good luck that his impulses have always been along lines that would be best for him. Because if you've never been in love you are essentially selfish. But his selfishness is so lighthearted that everybody likes him in spite of it."

Henry said with a grin, "I ain't gonna study Planck no more."

"It isn't just romantic womanish drivel," Judith said firmly. "Love is the difference between people who are complete people and the others. The others are the little people all wrapped up in themselves, and they can't see out. Love is being able to look outside, that's all."

"I got lost back there someplace," Henry said. "But it sounds as if you're being rough on the professor. Look what he's done for me."

"I'm not being rough, just honest. You defend him because you like him too. Everyone likes him except me, and I love him, that's why I can be honest. What he's done for you is to use you for every nickel you're worth, and you know it."

In college Henry was a quiet, good-natured oaf who supported himself by playing football with an easygoing virtuosity that made it look like a game. His secret shame was a passion for mathematics. When Professor Canarval began to suspect this he gave Henry a summer job on his farm, helping Harold Fuller make hay. In the evenings Henry worked as the professor's amanuensis in the preparation of a paper on the theory of functions.

When Henry awkwardly expressed his gratitude at the end of the summer, telling the professor what a privilege it had been to work with him, the professor said, "I hope you realize it's been highway robbery for me to work with you. You're a mathematician, Henry. I'm only a pedagogue. If I could find some way to chain you to my desk I could be the head of the department someday. Providing Dr. Egschall would cut his throat, God speed the knife."

Perhaps he had helped the professor gain stature, Henry supposed. On the other hand, the professor had helped make Henry's apprenticeship easier.

He was a tall, big-boned young man, with a hand that could hide a hat. He had a look of being hewn from stone, an appearance of ungainliness when he was not in motion. The map of Ireland was on his face and in his eyes, according to the fanciful, but his parents were Hungarian. He came from the steel mills, where his father had burned out his heart rolling hot iron years before and where Henry himself had been a heater helper, at fifteen dollars a day, in high-school summer vacations. He had been an orphan since he was ten, but he always paid his way.

It was a simple code. You paid for what you got, and you got a fair return, and you went through life untouched and without a grudge.

He didn't particularly like football but he paid with football, and a flattened nose, for a tour through the marvels of Berkeley's Dilemma under the guidance of a teacher such as Professor Canarval. If he eventually outgrew the professor, as the professor insisted he had, he did not desert him immediately, for the simple reason that he felt he had not yet settled all his bill.

He had worked with the professor for three years when the war came and he went away to the Pacific.

AT THAT time, Judith was suddenly grown up. She had been a skinny schoolgirl, with a mop of straw-colored hair in which she liked to wear cumbersome gold barrettes that made her look like a long-legged beetle. There was a Scottish song her father used to sing about Come all you young maidens who wear gowd in your hair, and possibly that was the reason. As a child she had thought that made a glorious picture.

At the farm for visits between camp and school she had worshiped Henry and hated him, dogged him and ignored him. She had passed through phases of addressing him as Liszt, his last name, and as Hunyak, and as Ugly, and as Dreamboat.

But she grew up.

The professor said, "What the devil are you doing? You look like you're trying to make your eyes cross."

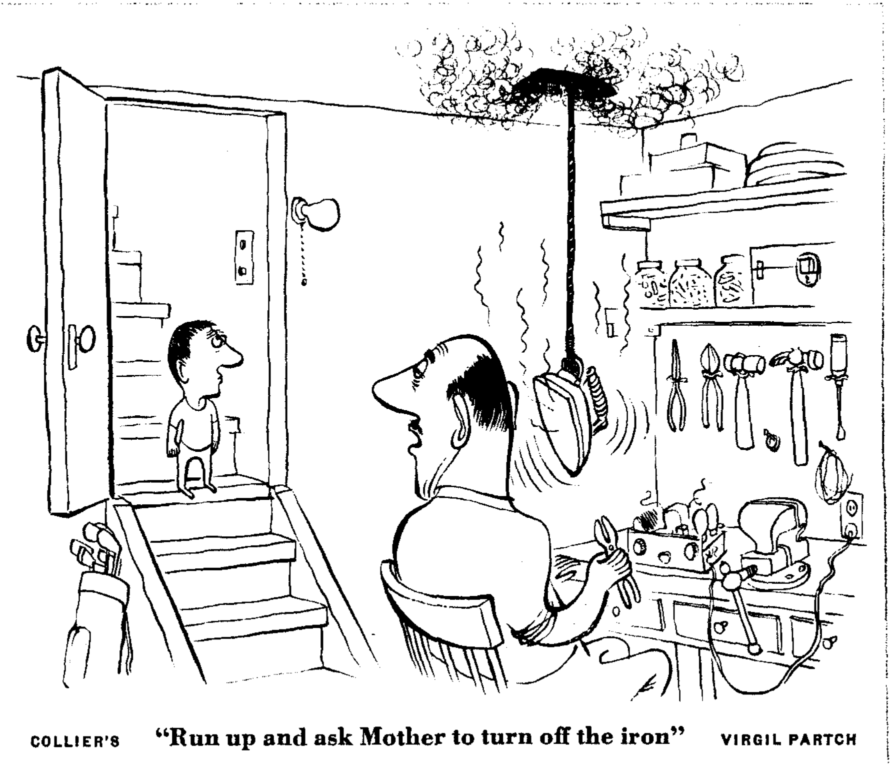
"Those are adoring glances," Judith said. "I'm melting him with adoring glances because he has something to tell you." She punched Henry in the ribs and said, "You're on. Tell him."

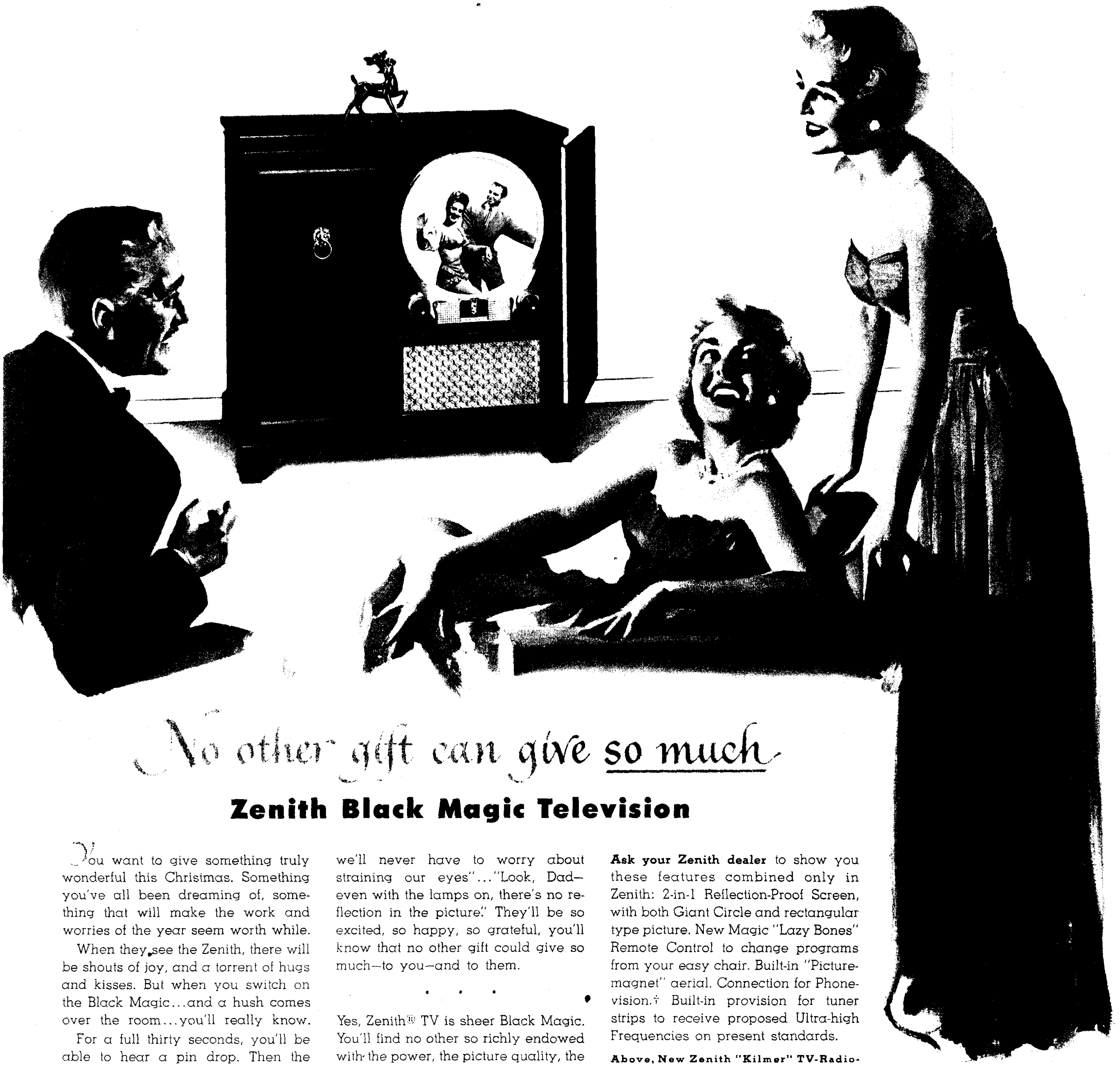
"I've gone insane," Henry said, "and so I want to marry your daughter."

"This is horrible," the professor said. "Which is not to say I haven't been anticipating it since a year ago, when she first told me her intentions. But I didn't think she could swing it. My boy, I shudder for you. Ah, well."

"We sort of thought we'd like to whip up the knot in a hurry," Henry said. "This might be my last leave."

The professor was silent for a while. He said at last, "I hope you won't pay any attention to me. But all these kids romping up to the altar. Well, they're not mine, so I'm objective about them. This war balls them all up. A certain percentage are going to wish they hadn't been so hasty, and


COLLIER'S "Run up and ask Mother to turn off the iron" VIRGIL PARTCH



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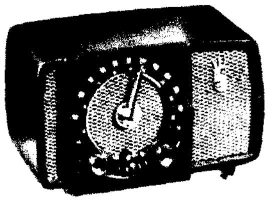

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that means they're going to be hurt. I'd rather not see you guys hurt, that's the sum of it. What does it mean? It's a symbol, nothing more. You're not going to be able to be together. I wish you'd wait."

The professor looked from one to the other. He blew his nose and said, "Well, damn it, I'm taking a cold."

The war was the beginning of waiting. When the professor suffered his stroke, after Henry had come back, the waiting continued.

DURING the first winter of his illness, Judith took the professor down to New York. Henry went to California alone. In the summer Judith brought the professor back to Vermont. Henry used his short vacation to fly East.

The professor was no worse, but not much improved. He could sit up in a chair now for short periods. He was going ahead with his project of turning the farm into a full-time, profit-making business. Harold Fuller had rebuilt the barn and bought tools, teams and a herd of cows. He conferred with the professor each day, a sort of staff meeting at which they discussed strategy and high policy. The professor kept an elaborate set of books and reduced all their information to a huge graph tacked on the wall beside his bed.

Judith could not talk to Henry for minutes after he arrived. She clung to him, deep in his arms, her face buried against his coat. She could not stop trembling.

She said at last, "It seems like it's been forever."

Henry said, "Listen, I'm not going back without you."

She said desperately, "Don't talk about it now."

In the professor's room the professor looked at him with beseeching eyes. He said, "Don't blame her, Henry. I've turned into a coward, that's all. I don't want to die alone."

"You can be with us."

"I've spent all my life here. You've got all your life coming. You wouldn't ask me to go away from all my friends, these things and places that have always been around me? I wouldn't live to get there, Henry, if you tried to take me. I'd rather die alone than that. I can't claim to be thinking of the wrong or right of it, Henry. It's only that I'm so damned afraid."

Later, when they had left the professor's room, Judith said, "Suppose I should drag him away with us, when he's begging to stay here, and suppose he should die on the way? How would I feel? What sort of marriage would we have with that beginning? And how can I leave him? Don't you see? It would be as if I were killing him myself."

"He's put us in a position where we can only wait for him to die," Henry said. "Which is worse?"

"But that isn't exactly true. We're young yet. And it won't be long."

"That's what I mean. Count the days. Will he live till winter? Will he live till summer?"

"You mustn't talk like that. I didn't mean that."

"What else can be in our minds?" Henry asked.

"Some thought for him could be in our minds. Some efforts to make his last days happy. How can it be wrong, to want to do that?"

"Would you cut out your heart, if it made him happy to see the blood?"

"I won't let you say such things."

"They're true. It's your life for his. Is that fair value?"

"Darling, wait. We're knocking everything to pieces. Think of it this way: suppose it were me, and our child. Think of years from now, think of it as me, or as you."

"We haven't got a child."

"But—"

"Our children are waiting for him to die too. He holds them in his hands. He can strangle them, if he holds on long enough."

Her face was thin. Her eyes were circled in sick shadows. She said nothing.

Henry said, "I didn't want to say that."

She said, "Perhaps family just doesn't mean as much to you. You can't understand it."

"Maybe that's it."

"How did your father die?"

"His heart failed and he fell in the furnace at the mill."

"What did you do?"

"He lived through the night. I sat in the hospital."

"Wouldn't you rather have gone home to bed?"

Henry sighed. He balled his hand and looked at his fist. He said, "I could be a farmer. Harold could use another helper."

She smiled. "Now there's an empty threat."

"I'm not sure."

"You can't leave your place in California. It's terrific for you. Some of the best men in the country wanted it."

"Honey, we've got to do something."

She said, "And Daddy helped you get it. You might remember that."

Henry said angrily, "I don't owe him anything. You said that yourself."

Her cheeks went pink. She said, "You owe him the fact that he's my father."

Henry was caught up in a fury he could not resist. He said, "You're thinking like a child. You haven't grown up. You're still making your letter. If you stay in there for enough time and if you fight with enough nobility, the coach will give you a sweater."

"Does growing up mean heartlessness? If I'm cruel to him, why won't I be to you?"

"What are you to me? What is he to us?" Henry walked back and forth across the room and said abruptly, "Let's forget it."

"I think we should. It doesn't help to talk."

"I don't mean the talk. Let's forget the whole thing."

"Hank, you don't mean that?"

"I don't know," Henry said savagely. "Let's try it and see."

She looked at him as if he had hit her in the mouth. The anger spun away. Henry was appalled at what he had done. He wanted to reach out to her. He wanted to put time back to five minutes before, to a day before, to a year before, when they had walked in the flower-covered mowing. But Harold had plowed up the mowing by now and reseeded it. And the night nurse rapped on the half-opened door and looked in and said merrily, "He positively refuses to go to sleep until you both come up and see the northern lights from his window."

HENRY went back to his work. They didn't write. The first year there was a Christmas card from Judith and the professor, and after that nothing.

His eyes played tricks of seeing Judith on the street, and there were always conjured daydreams. Sometime they would meet, sometime they could start over. Was it impossible?

Who was to blame? He hadn't been wrong, she hadn't been wrong, even the professor hadn't been wrong; who argues ethics with death?

Time passed. It was another four years before he went East again, to attend a meeting at Princeton. Someone told him the professor was still living. He threw determination to the wind and wired them in Vermont. Judith answered with a telegram asking him to come up. She said the professor very much wanted to see him. . . .

The white farmhouse was not as well-kept as Henry remembered. The barn needed painting. The yard was littered with rusty tools.

Judith said, "Wait outside a minute. I'll go in and get him ready. He hasn't had a nurse for ages, he's so well, but he still needs a little help."

Harold Fuller was nailing shingles on the milkhouse. He climbed down and shook Henry's hand.

Henry said, "How's everything?"

"Farming's never too good, you know," Harold said. He pronounced it faaming.

Swallows shot in and out of the barn.

Henry said, "They're not in financial trouble?"

"We've had a lot of bad luck," Harold said. "Seems like everything we did turned out unlucky."

Judith called and Henry went in the house. Chickens scratched around the unused terrace.

Judith said, "He's in his room." Henry went upstairs alone. The professor was standing up in a boxlike contraption on little wheels. He was smiling broadly.

He said, "It's called a walker. Much superior to a wheel chair. I can reach up to the whisky no matter where she hides it." He poured Henry a drink, and a taste for himself. "You've no idea what a celebration this implies, this—this thimbleful. Look at it. It wouldn't drown a flea."

The graph beside the professor's bed stopped with 1948.

The professor said, "I can't talk much at one time, so let me speak my piece. First, I've kept in touch with how you're doing out there. My congratulations—you belong to the ages, and all that. I couldn't be prouder of you if I'd taught you myself. Second, forgive me for what I did to you two. If you can, forgive me. Recently I've even tried to write to you, and I can't write any more: my hand gets the wobbles. Judith wouldn't mail the letter anyway." He drank the whisky. He looked up at Henry's face and said directly, "I guess I'm going to live forever. I hope it's not too late. Please go talk to her now, Henry."

Henry felt helpless under the professor's eyes. He understood the situation as clearly as if the professor or Harold had explained it. The professor's money was gone. His illness was expensive, winters in New York were expensive, and the farm had lost money instead of making it. His money was gone and he could no longer be happy and comfortable among familiar surroundings if he had no money. The best he could hope for would be a job for Judith that would pay his way in some suburban nursing home. Now, doubtless, California would look good. I'm offering Judith—what am I bid? A happy and comfortable invalidism among the orange trees, against the stark last years living on watery oatmeal in a pensioners' home. I'm offering Judith—Judith, step up. And Judith, trembling and excited, bright with the happy spirit of nineteen as she had been on the drive over from the station, stood obediently on the block.

"I don't want to leave any possibility of misunderstanding," the professor said. "I'm giving up the farm in any event, Henry. I'll go with you and Judith to California if you'll have me. I can't state it any more plainly than that."

Henry had to get out of the room. He could say, I'm sorry, sir, I was married last year. But the professor had kept informed about him.

He wanted to get out of the house. He didn't see how he could face Judith.

Could he have married someone else? Was that the eternity of his love for Judith? Was his love for her dependent on the integrity of her love for him?

The house was stuffed with cotton and he was trapped in the middle of it, and there was nothing he could do.

Her love for him, what was it but a mere convenience for her father? Stay with me, saith the professor, and she stayed. Go to him, saith the professor, and she waited downstairs in all humility for him to come and take possession.

But would he rather she would refuse him now? Women were realists, the wiseheads said. They compromised. She would take him on any terms, on any compromise. That was her love for him. He was the one who quibbled at the price, he was the romanticist demanding payment in only the purest gold. Either love me for myself alone, forsaking all others, or not at all. But what was the compromise? What but to gain her peace of soul, maneuvering to hurt neither her father nor herself? And so she was her father's daughter, and the compromise a falseness that would forever be between them. And yet all this had sprung from nothing but their love, and how was that possible?

HE WENT downstairs to her. She read his face and waited for him to speak. She had never been so lovely.

There was nothing he could do. The world did not hold the cruelty it would take to hurt her the way she could be hurt.

He said, "Judy, will you take me back?"

He crossed the room to her. The shame of the compromise was a brazen wall between them. She felt it too, he knew, but the same trap enveloped them both.

He put his arms around her waist. She lifted her face to him and kissed him. She was crying. Her tears at least were real. He held her close.

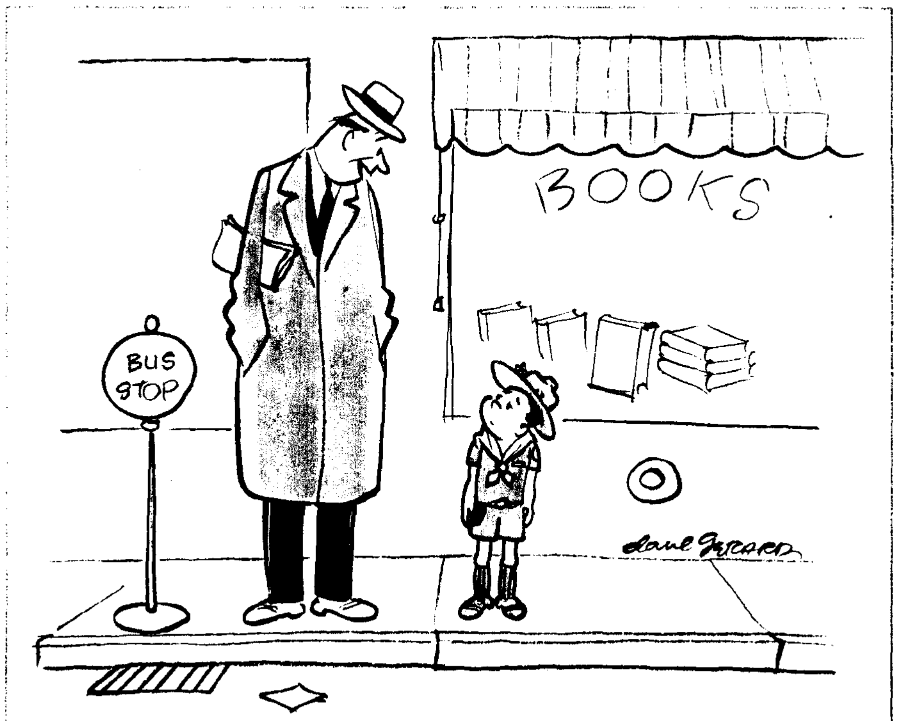
She said, "I'm just thinking of the way it used to be."

"We'll try to bring it back," Henry said.

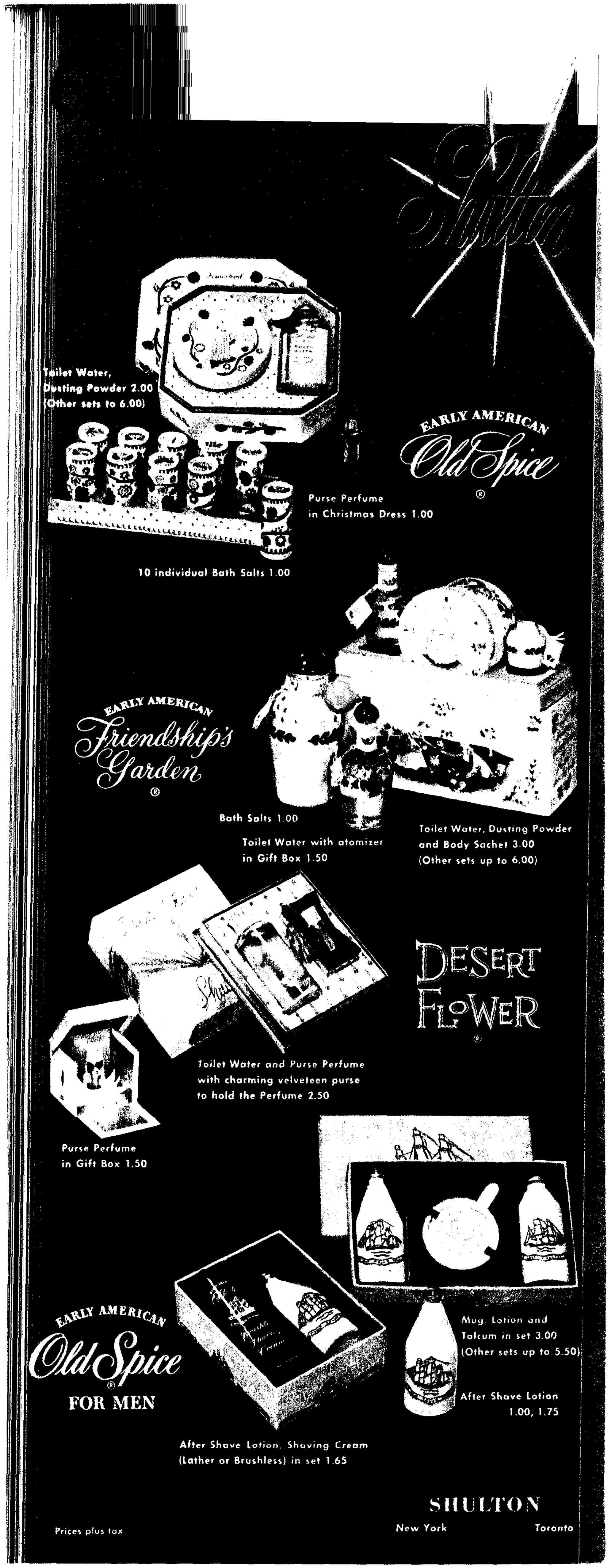
"It can't be what it would have been. Is that something life just does to you? It's like punishment, but what have we done that was wrong?"

Yes, he thought, that was it. But the wall of compromise would become, in time, the wall of routine that was normal married life. And then, perhaps, it might be forgotten.

He said, "We'll be all right now. It's going to be all right." THE END



COLLIER'S "Troop 29? Sa-a-ay! That's my old outfit!" DAVE GERARD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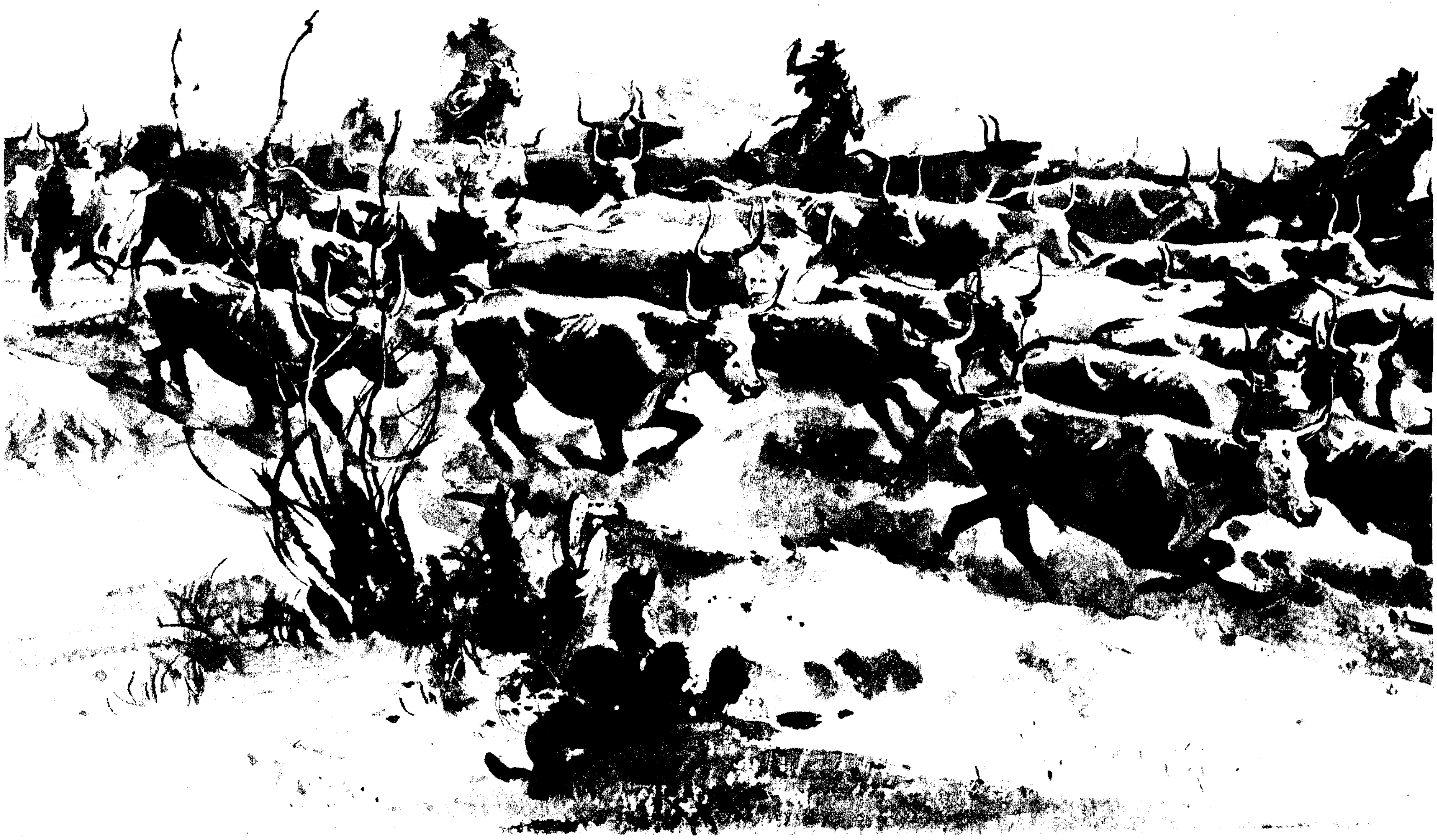
SHULTON
New York Toronto

Banker Clayton's Interest

The banker was only a damyankee, and his idea was a risky one. But the drouth was threatening to kill off all our cattle—and the risk might be worth taking



It was cruel to drive them; crueler not to. That was my consolation when I thought of the Blue Lagoon

WHEN the drouth was at its height, and there was no water and no grass for the entire length of coast, the last water remaining for the cattle in our part of the country was at the mouth of the dry river. Here a sand bar made a lagoon surrounded by thick banks of reeds, and the dying cattle moaned around it like lost souls within the very sight of salvation; for all of it was protected by quicksand, as here and there a carcass not yet digested by the morass testified.

About this time I found Banker John Clayton in his place of business diligently whittling a toothpick out of a match stem, a sure sign he had something in mind. The Sundown Valley Bank of those days was a highly concentrated affair consisting of one room, one desk, one-chair-and-banker which went together, and one extra chair known locally as "the hot seat" and usually occupied by prospective borrowers. In this I sat and waited for the thought clouds to pass from the financier, so that I could invite him to beat the heat with me with a bottle of red soda pop.

"I was just thinking," he said, more to himself and the match stem than anybody, "about the mouth of the river. Noticed?"

You noticed nothing else! Your eyes turned there automatically from any high point in the valley, as toward an oasis in the desert—or a mirage.

"I was just thinking," said Clayton, "the fellow who brings his cattle through this drouth will make a million dollars. Cattle will be worth their weight in gold this time next month, next year, whenever it rains again."

"What makes you think so?"

"They'll be scarce as hen's teeth."

I asked him how he would bring his cattle through to that desired golden condition.

"I'm no cattleman," he shrugged.

McKay came in looking irate as usual.

"Clayton, I represent the cattlemen of this valley," he said.

"How are they?" said Clayton continuing to shape his toothpick.

"They're worried."

"So am I." That was the truth. Next to the Almighty, the local banker is lord and giver of life to his community, wet weather or dry; and the drouth was bidding fair to dry up Banker Clayton's loans, I knew, mine included.

"They're worried about what this drouth's doing to their stock. A few weeks more and they won't have any cattle. They haven't got any money now." McKay glanced at me as if I might still have money. He never cared for me because I ran the largest outfit in the valley.

"What do they want me to do," said Clayton, "make it rain?"

McKay put both hands on the desk and leaned on them, toward Clayton.

"They want you to say you won't call any loans until it *does* rain!"

Clayton put his knife and toothpick away, then got them right back out again. "When did I call any?"

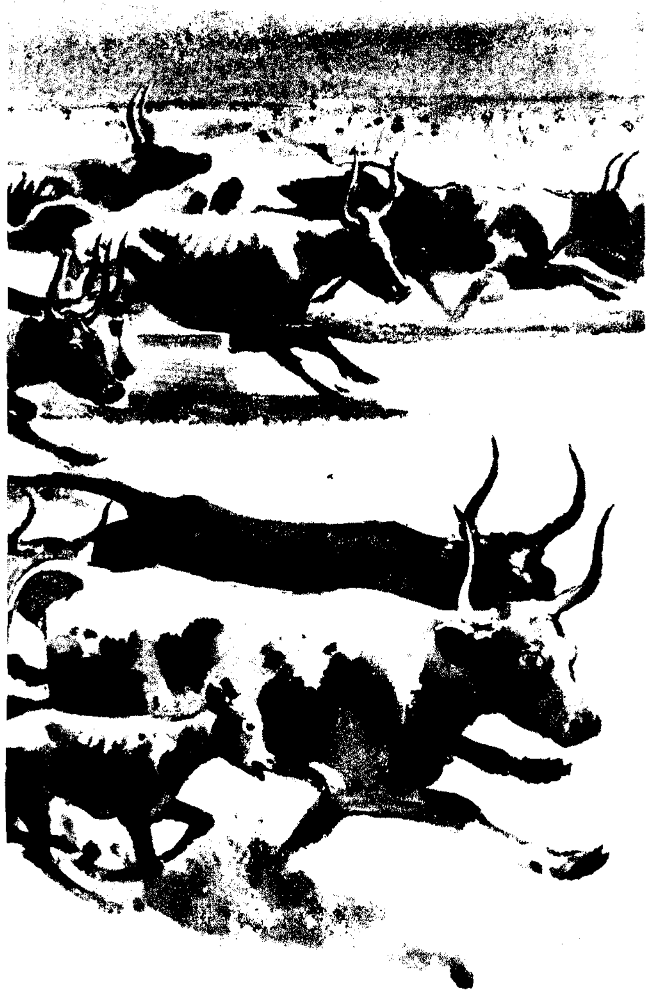
"Not saying you have, just telling you . . ."

"Telling or asking?" Clayton cut him off.

"Let's get a drink," I said hastily.

Clayton stood up. "Mac, my stake in this valley is just as great as the next fellow's. When your cattle dry up, so do my dollars—though I admit they don't suffer in the process like your livestock does. You tell the boys to come see me." He sat down again after McKay had gone, it being one of John Clayton's principles never to overtire the feet. But I could see that what McKay said had bothered

By ROBERT EASTON



him. Clayton was a Yankee. Thirty years out of Maine had not eradicated this fact from the minds of the Southerners he lived with. In the crisis he might show his true colors—and become a damyankee.

With the drawl which belied his origin he said, "I was just wondering if you'd noticed the mouth of the river." Clayton seldom said a thing outright. He put ideas out like he did money, on the chance they would return him interest.

I went down the valley for a look at Blue Lagoon. It was more green than blue, with the deep dark velvety green of stagnation, yet it was water, drinking water—the sand bar held out the sea; and the reeds would make delicious feed if you could get to them: enough forage there for all the cattle in the valley, if you could get to them. I picked my way out among those husks of things that had been cattle, shook off a living remnant that followed me crying pitifully, and let the idea whereby Clayton said a million dollars could be made take shape.

Going back through the town I said to him, "You aren't suggesting I run my cattle over that quicksand?"

"I never said any such thing."

"Why, I'd lose a thousand head in no time!"

"How many cattle have you?"

I had about two thousand.

"Sometimes the half is bigger than the whole," said Clayton and picked up his black-bound copy of Coffin's interest tables and began studying it as if there were the answer.

I thought about his idea a couple of days and the more I thought about it the more it seemed the only chance, if a long one. Win or lose all, one throw. I mentioned it to McKay and some of the others. "There's plenty of forage in those reeds for all of us and water too," I told them. They asked me if I'd ever seen anything cross that quicksand, laughed and called it a damyankee idea.

So we went ahead on our own, Shorm, Porfirio, Jesus and I, gathering the cattle one morning before daylight. It was hot already. Night made no difference in those days. It was only a turning off of the flame. You roasted all night long like you were in a shut oven, and with morning the flame came on again. Gathering the cattle was no trouble. They had long since gathered themselves around our ranch buildings at the head of the valley, more like forlorn lost sheep than once self-respecting livestock, and their crying was never still. We spared what water we could from the home well. But there was no feed at all, not so much as a spear of grass. They broke into the orchard and stripped the trees, came on into the gardens and cleaned them. The place looked as if locusts had camped there.

But when we had them rounded up they would not drive. They milled in circles and went back. They were like a man staggering with thirst. We got them moving finally with a bait of an empty water trough on a wagon, started down the road toward Sundown and Blue Lagoon. The big buffalo-humped steers were the leaders, ghostly remains of what once had been cattle, hollowed high on the flanks from lack of water, pinched to bare ribbings like laths over which hide was stretched. Behind them the rest strung out, yearlings and cows and pitifully shrunken calves no bigger than dogs. Even the once lordly bulls were fooled by the trough on the wagon and hurried like dogies to keep up.

BY SUNRISE our horses were already in sweat. And the cattle, who can't sweat except through their mouths and noses, were lolling out their tongues and licking at their parched nostrils, which should have been moist and white and spinning fine threads of saliva but were dry as bark. They had nothing to sweat. It was cruel to drive them; crueler not to. That was my consolation when I thought of Blue Lagoon.

But there was something I had not thought of: the breeze from the sea which picked up around midmorning. To us it was like the breath of bellows through a blacksmith's forge. But to the cattle it was something else. It brought a message that made the big leaders lift their heads and lengthen their strides. It brought word of water.

And as if this were not all, the magic telegraph passed into the hills and carried news of our movement, and out by twos and threes upon the ridges, fours and fives among the breaks and canyons, came other cattle; and more, and still more, hurrying to join us, until the tributaries of the valley ran red with cattle as they never had run with water, and our little freshet was swollen to a flood rushing down the dry bed of the river, growing every minute as side streams joined. Ride as we might, Shorm, Porfirio, Jesus and I, we could not stop those side streams.

And they were not our cattle. At distant ranch houses we could see riders saddling up. Something told me they were not very happy about what was going on.

But, no stopping for that either. The leaders had long since left the bait of water wagon behind. They were moving under their own power, at a steady, steady trot, heads up, tails out, bound somewhere. The herd compacted. It gathered like a sick man does for one last effort, crazed, staggering blind. It turned into a stampede.

You have heard about stampedes of frightened cattle. Well, this was the stampede of those condemned to death: weird shapes and replicas of cattle, surging forward toward one last hope. Riders were carried into it by the tributary streams they tried to stem but couldn't and were borne out onto the surface of the flood like flotsam. One of the eddies brought McKay alongside me. "Damn you!" he cried, his face livid with effort and with fury. "You started this! You'll pay for it! You and that Yankee banker!" He was swept away before he could finish saying how Clayton and I had planned the thing in order to put everyone else out of business.

The town lay directly in our path. The cattle thundered into Sundown, echoing wildly from the buildings, churning the dusty streets to smoke, crashing into remains of flower gardens to nibble at the stalks of plants, snatching at dried wisps of pepper branches, never stopping. The inhabitants took to their homes.

AS WE whirled through the deserted square I glimpsed the face of Clayton at the door of the bank; he wore a toothpick and a grin of satisfaction. For the rest, the Sundowners looked out at me darkly; and I could see lawsuits rising with the dust. I had bargained for none of this.

But now it was straightaway to the sea, the rifled town behind us, the message of Blue Lagoon stronger and stronger till the maddened brutes were running like racers for the fire, bawling in a terrible eagerness. The green reeds came in sight. A matter of moments and we would be among them, and then what? And then I saw we were caught, a dozen of us on horseback, caught as boulders in an avalanche that hurled us forward and from which there was no escape. The big lead steers hit the quicksand and went down; the others pressed them on, and down, into the sand like steppingstones, to be trod upon in their turn and pressed down. Wave after wave of cattle hit that sand like so many loads of living red gravel, dumped to make a fill, an ever-widening causeway reaching outward toward the reeds. Cattle snatched at them even as they sank and drank deliriously of the sweet water as they drowned, and were stamped to pieces by the agonized remainder. This very eagerness was what saved us; it left us back in the herd—so far back that as we moved out onto that causeway where the living walked upon the dead, it had nearly bridged the quicksand. And then my mare's feet were on something other than ground which squirmed and made her stagger. She struck the shoulder of one lunging brute and caromed off another; and then the fear of death took hold of her and shot her forward in a hurtling rush, shot her off the crest of the cataract of cattle, shot her clear.

I felt a lash of reeds and the slap of warm water like a bath. We were in the lagoon and swimming. Heads and horns were all around us and there was a gurgling and a thrashing and a crying and a moaning. Porfirio had slipped from his saddle and was holding his stallion by the tail. I did likewise. We had a hundred yards to go to the sand bar where the breakers beat from the sea and maybe it was quicksand too, but, no, it was firm; the waves had pounded home and made good ground and out we came on it; and out a little way farther down came McKay—and bogged half out of sight. The bar *was* quicksand where he landed. I pitched him my rope. Porfirio lay down flat and grabbed his horse's reins. We dragged him out of it like a slimy log, and he got ready to hit me. He was mad to the marrow.

"Before you do it," I said, talking fast, "look behind you."

The lagoon wasn't blue any more; it was red, with cattle . . . some swimming, some wading, some nibbling at reeds, all alive. For every one of them stamped into the sand, another was alive and washing in that living water. It was a sight for any cattleman's sore and sunburned eyes. And McKay took it in like a man who has been shown the promised land.

"Well, shoot me," he said, "but how will they get out of it?"

"Same way they came in. We can too, when things quiet."

"Well, shoot me," he said and looked as wise as a man can, covered with muck, and then decided the joke had been entirely on McKay. "And I reckon that's what happens when a damyankee gets into the cattle business? Killing off half the cattle of the valley to save the other half?"

And I reckoned the same.

So Clayton got his interest. So when the rains came the cattle of Sundown Valley were turned to gold; and along that entire length of coast they alone shone, like a nugget. THE END

ILLUSTRATED BY WALTER BAUMGARTNER

'Something's Wrong with Our Jury System'

CONTINUED FROM PAGE 29

so-called "secondhand" evidence, based not on a witness' own direct observation but on what someone else saw and told him.

Hearsay, to be sure, should always be cautiously used. But on its use depends 90 per cent of the world's work out of court. Much of the data utilized in making decisions by businessmen, government officials, legislatures and commanders of armies consists of such secondhand evidence. Yet we cut juries off from it—because we don't trust them to handle it wisely. And since, frequently, hearsay constitutes the sole available evidence of a crucial fact, the hearsay rule may leave a litigant without any proof of that fact.

A third well-nigh impossible task we ask of jurors is to perform prodigious feats of memory. Often the judge and the lawyers, trained listeners, forget just what a witness had said on the stand a day or two earlier; and when a judge tries a long nonjury case, before rendering his decision, he reads over a typewritten record of the testimony he has heard. But we pretend that jurors, given no transcript, and usually not allowed to take notes, will recall the evidence even in a trial lasting several weeks.

To make matters worse, not until all the evidence has been heard does the judge (by his instructions) let the jurors know the issues; that is, just what facts they are to look for.

In a trial there are many dull but significant stretches, with little lively interest for the jury. With no training in listening to testimony, the jurors' minds wander. I've often seen jurors actually sleep when some important witness was testifying. All lawyers know that a witness' demeanor—his tone of voice, gestures, use of his eyes—may furnish the most valuable clues to the reliability of his testimony. An inattentive juror will miss many such clues.

The legal rules with which jurors are entrusted as they go into their jury-room deliberations are yet another factor in making a juror's lot a difficult one. Do we or don't we want jurors to apply these rules which the judge's instructions and the jurors' oaths say they must apply? Some legal minds say yes, others no.

A Bar Association Report

Even a committee of the American Bar Association took a yes-and-no attitude on the issue. In a 1946 report it argued on the one hand that jurors should be told that, as "sworn officers of a court" they must "let the law prevail" without regard to their "likes or dislikes." Yet that same committee report also said that "the jury often stands as a bulwark between an individual . . . and an unreasonable law." Many distinguished lawyers have proclaimed it the glory of the jury system that, thanks to jury-room secrecy, juries can and do defy any law they deem undesirable and, instead, apply secret laws the jurors choose to make.

Yet you can't possibly square this notion of juries as secret lawmakers with the idea that, in the courts, a law should not mean one thing for one man on one day and something wholly different for another man the next. If each jury may apply different rules from those on the books, then each jury is a small, ephemeral legislature which may make an unpublished law for each particular case—surely a most undemocratic method of lawmaking.

In truth, jurors often fail to apply a rule enunciated by the judge not because they dislike it but because they pay no attention to it. They don't dislike the rule, which may be an excellent one. They dislike the defendant's lawyer, or they are sorry for the plaintiff—a poor widow or a beautiful brunette with soulful eyes. Or they are prejudiced against the defendant's chief witness, an old man who speaks broken English. I know of one case where a woman juror voted for the plaintiff because his lawyer kept his papers in a "nice neat stack."

Even more often, a jury disregards a legal rule because it just can't understand its niceties. For most legal rules contain legal words and phrases that through decades have acquired subtle shades of meaning. Even the relatively uncomplicated rules include such terms as "proximate cause," "willfully," "malicious," "good faith"—and about the legal significance of those, and other legal terms, hundreds of lawyers' treatises and court opinions have been written.

The Judge's Law Lecture

Since, as law-school examinations show, many second-year law students cannot fully comprehend the legal subtleties, it is ridiculous to suppose that they will be intelligible to jurors through the judge's brief law lecture to them. So the judge's charge to the jury about those rules is frequently a futile ritual.

The rise and fall of the jury's reputation is an interesting story. England was the home of the modern jury trial. Thence it was imported into the American colonies. With the colonists, juries became immensely popular because they resisted the Royalist judges who were regarded as oppressors. As a result, our state constitutions required jury trials in all cases which had been so tried at English common law.

From England, jury trials in criminal cases spread to almost all civilized countries. But in the twentieth century the jury's popularity markedly declined. Pre-Hitler Germany gave it up; so did some Swiss cantons; France grew increasingly critical. Most significant, England—before the advent of the present Socialist regime—virtually abandoned the jury except in major criminal suits, and of such suits relatively few are now tried by jury. More and more English litigants, dissatisfied with the incompetence of juries, came to prefer trials by judges. Canada has seen much the same development.

Since in none of the democracies, other than ours, today the jury is held in high esteem, it cannot be considered as an essential part of democratic government.

Every year in our own country thousands of civil cases are tried in which trial by jury is neither required nor permitted. For example, if John Doe sues a private company because he was injured by one of the firm's trucks, he may have a jury trial. But he may not have one if the truck was owned and operated by the United States government. So, also, there can be no jury trials in many suits in admiralty (as, for instance, suits for heavy property losses when ships collide), and in many other types of cases, such as those seeking accountings by trustees, or injunctions, or usually when the suit is against the estate of a dead man or of a bankrupt.

If the jury is an indispensable bulwark of legal rights, as its admirers claim it is, then surely it is absurd and unjust to deny such a trial in the above-mentioned cases, for ordinarily they are fully as important as—often more important than—the civil cases where a jury can be demanded. Nevertheless, even the most devout jury worshipers do not suggest that we should cut out most of those judge trials; and they never explain why the judges should be trusted in those cases and not in all others.

Any visitor to the courts can see for himself the striking difference between a jury trial and a judge trial. A trial by jury is full of melodrama. The lawyers put on an act. In a juryless trial, the histrionics, the stagy tensions, the constant appeals to the emotions and the aroma of the prize ring vanish. The judge and the lawyers speak the same language; the judge, unlike the jury, is accustomed to courtroom ways.

Any able, well-trained trial judge understands the legal rules better than the wisest juror; he also has far more experience and skill in getting at the facts, in seeing through the lawyers' tricks of the trade, in detecting the lies of a "coached" witness, and in perceiving that an honest but timid witness, heckled by a lawyer, may give the appearance of speaking falsely.

REVIVAL
RUDOLPH VALENTINO in the SHEIK

COLLIER'S "If you ask me, he's gonna be another Tyrone Power!" REAMER KELLER

Judges are human, therefore, fallible. No judge trial will ever be perfect. A skilled judge, however, has learned to discount and control his worst prejudices.

A few judges may perhaps be biased, bigoted or stupid; a very few may be, alas, corrupt. Indeed, I think that escape from decisions by unfit trial judges is the only good reason for trial by jury. But making all allowances for unfit judges, still no one would think of saying of decisions in judge trials the equivalent of what Judge Learned Hand said of jury verdicts—that probably not more than one per cent would stand up if tested by whether the jurors fully discharged their supposed duties.

Moreover, reformation of the bench is possible. We can get rid of the very few dishonest judges, and we can see to it that virtually all trial judges have a high degree of competence—by special training for trial judging and by providing that no lawyer may be eligible for the post of trial judge who has not passed stiff oral and written examinations. Nothing can be done to provide jurors possessed of anything like the same competence. For jurors are amateurs, and adequate judging is a job for professionals.

An increasing number of American lawyers and judges wish that we would abandon all jury trials in civil cases. If we do, it might be well to have suits tried before a bench of three judges, so that the possible biases of each judge will tend to be modified.

Because of our traditions, almost no American lawyer would deprive a man accused of a crime—particularly a major crime—of the right to be tried by a jury if he so wishes. Some lawyers, however—I am one of them—do not share the belief that a jury will invariably be more merciful than a judge to a defendant in such a plight.

At any rate, the accused should be told that, if he so desires, he need not go to trial before a jury, but may "waive" the right, as he is permitted to do in many states. He should always know—as today he often does not know because ordinarily his lawyer doesn't tell him—what he may be up against if he chooses a jury trial: that the jury may ignore the evidence, may be dominated by passion, or may decide the case by drawing lots.

Two States Lead the Way

In the federal courts the country over, juries still try more than 50 per cent of criminal cases; much the same is true in many states. But in Maryland, for more than 30 years, criminal trials by jury very often have been waived; in 1949, only 118 out of a total of 7,754 criminal cases in Baltimore were tried by jury. The story in Connecticut is much the same. Apparently in those states the lawyers and their clients have come to trust their judges. Perhaps before long the rest of the country will catch up with Maryland and Connecticut.

In civil suits, everywhere in America, "waiver" of jury trials is on the increase. But many such suits are still jury-tried (in the federal courts, about one third). And inasmuch as our constitutions require such trials, if requested in certain types of cases, and since many years will certainly elapse before those constitutional provisions could be wiped out by amendments, we must count on the continued use of juries for a long period. We ought, therefore, to consider reforms of the jury system to purge it of its gravest evils;

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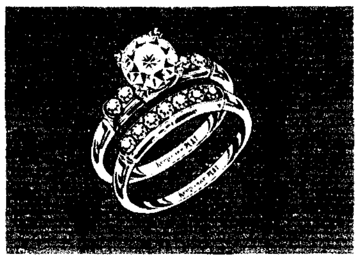

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the worst of these evils stems from verdicts which cover up what the jurors did and tell nothing of what facts—if any—the jurors found. Sometimes, however, some courts use another less opaque kind of verdict, a fact verdict, called a "special verdict": The judge requires the jury merely to report, for instance, whether Jones phoned Smith on June 5, 1948, or whether the signature on Brown's deed to his house is genuine. To facts thus specifically found the judge, not the jury, then applies the appropriate legal rules; the jurors need neither understand nor apply them. And because the jury may be unable to figure out whether its answers will favor one side or the other, the appeal to the jurors' prejudices sometimes may be far less effective. But the special verdict, at best, is no panacea, for it still leaves to the jury the difficult task of getting at the facts.

Whether or not the judge uses a special verdict, he ought to be obliged at the trial's opening to give the jurors a tentative rough outline of the issues, so that, while listening to the evidence, they may know what facts to look for. There also is every reason why, to aid their memory, the jurors should be permitted to take with them into the jury room a written transcript of the evidence and of the judge's charge.

One helpful device is now too rarely employed: When some of the facts of a case are complex, the judge refers them to an expert; the expert's report is presented to the jury—although they are not obliged to accept it.

At one time, in England and in some of our own states, jurors were selected because of their peculiar knowledge of the customs of a particular trade in which the parties to the suit were engaged. "Special juries" of that kind, often far more skillful in finding facts than the usual jury, might well again be employed.

Reforms in selection of prospective jurors have thus far been rather feeble. Certainly, we should test each juror's eyesight and hearing before he enters the jury box. In some cities no one can obtain a license to drive a car who hasn't passed a psychiatric test; because deciding court cases is at least as serious as driving through traffic, we ought similarly to screen prospective jurymen.

Aptitude Tests for Jurors

In a widely approved statement, the late Merrill Otis, federal district judge in Missouri, said a few years ago that serious injustices are bound to happen unless all jurors have the "capacity quickly to comprehend the applicable law and intelligently to apply it." He also said that no more than one man in ten possesses that capacity. To restrict juries to such unusual men, he proposed this method: Enact some very generally worded high standards for jury service, and take care in choosing the officials who select those citizens eligible to become jurors. Some states have adopted that method and have obtained somewhat more competent juries. But it's unbelievable that any such simple expedient will give us jurymen able quickly to understand and to apply complicated legal rules. A Los Angeles practice has more merit: A prospective juror must meet oral and written aptitude tests.

But those tests can hit the high spots only. A more helpful proposal is that of barring from jury service any person who has not attended and passed a detailed course, to be given in the public high schools, on the function of the jury and the nature of jury trials. (I won't guarantee the constitutionality of such a plan.) With better-equipped jurors, we could well afford to eliminate most of the "exclusionary" evidence rules, especially the rule which bars "hearsay."

Everyone knows it's wrong for an outsider to talk to a juror about a case while it is on trial. Yet, during an important criminal trial, newsmen and radio commentators in effect insinuate themselves into each juror's home to comment on the defendant's guilt or innocence.

Another Source of Prejudice

Since it is all but impossible to suppose that jurors won't read the papers and listen to the radio, such discussions, which may gravely prejudice the jury for or against the defendant, add seriously to the difficulties of trial by jury, as United States Supreme Court Justice Robert Jackson said in a speech some months ago. The English courts forbid and punish such publications. (The English press did not comment on the recent case of Klaus Fuchs, the atomic-secrets spy, until it ended.)

The United States Supreme Court has held that almost no such publications during a judge trial may be punished, but has left open the question as it applies to jury trials. Some lawyers, who think that a judge should know how to and have the courage to withstand press-pressures, hope the Supreme Court will recognize that jurors are more susceptible. Perhaps, as an alternative, our editors and news commentators, if made aware of the gravity of the problem, will exercise self-restraint.

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—BETTY ISLER

To sum up, here are the reforms I think would improve our jury system:

(1) Use "special" or "fact" verdicts in most cases.

(2) Have the judge, at the trial's beginning, roughly outline the issues for the jurors.

(3) Let the jurors take with them to the jury room a transcript of the evidence and of the judge's charge.

(4) Supply the jury with an expert's report of complicated facts.

(5) Employ, in many cases, "special juries" composed of jurors having knowledge of the customs of the trade involved.

(6) Strictly enforce the ban against jurors who have defective hearing or eyesight or who are physically or mentally ill.

(7) Require all prospective jurors to take a detailed course of study dealing with the function of juries.

(8) Eliminate many of the "exclusionary" evidence rules.

(9) Discourage publication, in the press or on the air, of anything but straight reporting of the courtroom evidence in a jury trial, until the case ends.

Although trial by jury can be improved, in my opinion it will remain the weakest spot in our judicial system—reform it as we may. But the judges (like me) who want to see the civil jury abolished and the use of the criminal jury limited, will, of course, as long as the jury system endures, comply with their oaths of office and strive to make the jury system work as best it can.

THE END

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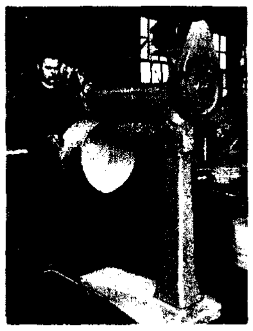

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Racket Alley

CONTINUED FROM PAGE 17

of blackboards along one wall. The place was packed with men sitting on folding chairs. The air was blue and foggy with tobacco smoke. A loud-speaker was blaring the fifth at Washington Park.

Reisman saw Downy standing back against the wall. When the race was over he sagged dejectedly. Reisman slipped up to him unnoticed.

"Didn't your mother ever tell you you shouldn't?" he asked severely.

Downy started, stared, then grinned sheepishly. "Well, I've got to do *something* down in this awful place," he said.

"Yeah, but it's stupid, keeping a bookie on your salary. Let's sit down."

Downy found a couple of chairs and they sat in a corner where they could talk.

"Pretty good business here?" asked Reisman.

"Small bettors," said Downy. "Mostly two dollars."

"The little Syrian own the place?" asked Reisman innocently.

"No. Fellow called Arky."

"Anybody we know?"

"A fellow nobody knows, I guess. Minds his own business. Nice fellow, I think. All the coppers seem to like him."

"They like the kick-in, no doubt. This place is only one jump from the station."

"Has to be a kick-in, of course. But you know those big coppers as well as I do. A kick-in doesn't make them *like* you. They seem to like Arky."

"Tough kind of guy?"

Downy glanced at Reisman again. What was it with Reisman today? "Arky? Oh, no. Never raises his voice. Says hello to everybody. He's in and out. Never lights. Lives next door, I think. Or upstairs. Someplace around."

"Mild kind of fellow, huh?"

"I'd say so."

"In this neighborhood? Running a bookie joint full of thieves and hoodlums? A likely story, Downy; a likely story."

"Yeah," said Downy thoughtfully. "I never looked at it that way before." He gave a slight start as a door opened in the back. "There's Arky," he said.

REISMAN turned his head slowly. At first he couldn't pick out the man. Had he been expecting a country boy from the Ozarks in overalls and a checkered shirt? Arky was over six feet tall, slender and strong-looking. Maybe about forty. He wore a loose but well-cut double-breasted suit of some fine gray material, a white linen shirt with long collar points, and a loud but fashionable tie. The face did not seem to go with the suit, however. In spite of the clean shave and the short haircut, it was a country face, lean, a little bleak, homely. His eyes were small, blue, and surrounded by squint-wrinkles.

He smiled and nodded as various men spoke to him; then he glanced over at Downy, and moved toward him.

Reisman was struck by a sudden thought. "Don't mention my name," he said to Downy quickly.

Downy merely glanced at Reisman as a sign he'd heard; then he said, "Hello, Arky."

Arky paused and smiled, including Reisman with a quick pleasant look. "Hello, son. How the horses treating you?" He spoke with a faint Arkansas accent blurred by big-city overtones: he'd apparently been away from home for a long time.

"Not so good."

"They never do," said Arky.

"Knocking down your own game?" asked Reisman.

"It's a game you can't knock down, mister. Like women and liquor." He turned to Downy. "He's a friend of yours?"

"Yeah."

"Reporter?" asked Arky, smiling.

"Yeah."

"They sure flock to the 17th. I'm getting right smart trade from 'em at the present time. Well, see you around." Arky made an easy gesture, smiled and passed on.

"Ben," said Downy, earnestly, "are you looking for something down here? If you are, I'll be glad to help."

Reisman sat absent-mindedly watching a broad-shouldered lout in a red shirt mark odds on a blackboard.

"When I was a police reporter," he said, "I made my best beats riding silly hunches. It used to hit me—like a pain or something. This time it may *be* a pain; maybe it's just my ulcer kicking up again. But maybe it's something else."

Downy was beginning to show eagerness.

"None of this may come to anything," Reisman went on, "but keep your ears open for rumors, Downy."

"What do I look for? Any leads?"

"I don't know. But here's a couple of tips. Keep tabs on Dysen. The Front couldn't run without him. Keep tabs on Arky. Only lead I got."

NIGHT seemed to drift into the 17th Ward from Paxton Square to the north. Lights came on along the river and were reflected upside down in wavering zigzags. Tugs moved toward their home moorings, whistles moaning for the landing. The garish neon lights of the Front sprang on and a purplish glow showed above the brick tenements. The first police siren of the evening wailed down by the river.

Arky listened absent-mindedly to the siren. Slowly smoking a cigar, he sat in the deserted and littered bookie room, wondering about Anna. Something was bothering her. What? As a rule she was calm, amenable; a big blond woman who took things as they came. A damned good-looking big broad—maybe a little too plump for the average taste. "But not for mine," said Arky with distinct satisfaction. "She's got it where it belongs."

Yeah, something was bothering her and Arky did not like it. He trusted Anna maybe more than a man should trust a woman: she knew a lot, perhaps too much.

Anna was always talking about them getting married. Arky didn't get the idea at all. If he got married it wouldn't be to a broad named Anna Hunchuk—or to a broad who had been around the way she had. But women always had to have something to complain about. Anna had picked marriage as a good subject. But if that was the case why hadn't she come out with it? She wasn't tongue-tied—far from it.

The door opened behind him. He knew it was Zand.

"It's getting around eight," said Zand.

Arky got up, took off his coat, walked to a desk, unlocked it, got out a shoulder holster with a heavy automatic in it, and strapped it on.

"Did Lola talk to Anna today?" asked Arky.

"I don't know," said Zand. "She's always running up to see Anna. Gab, gab. Yackety-yack. Dames!"

"Tell Lola I want to see her."

Zand stared. "Look, Ark. We ought to be going."

"He can wait," said Arky, disdainfully.

"Anna never tells Lola nothing, Ark; if that's what's worrying you. Lola minds her own business."

"Well, Anna's got something in her craw."

Zand looked at Arky, then he went back to get Lola, who seemed a little nervous.

"Did you talk to Anna today, Lola?" Arky asked quietly.

"Yes, I did. Why?"

"What's *biting* her?"

Lola hesitated. Then suddenly she burst into giggles. Arky's lips tightened.

"What's so funny?"

"Kill me and I won't tell you, Arky. But you got a surprise coming."

Arky watched her for a moment; then

he said, "Something funny, huh? Nothing serious. Is that right, Lola?"

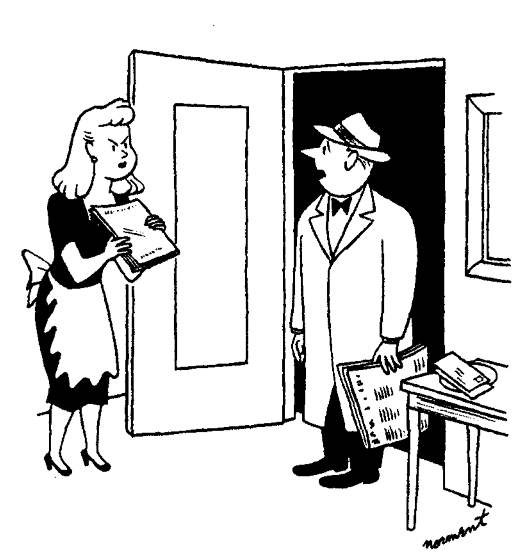
"That's right. Nothing serious."

"Okay," said Arky.

He wasn't worried any longer, just curious. It must be something pretty funny to break up a tired broad like Lola. He'd go into it with Anna when he got back.

Lola went out, still trying to suppress her giggles. Zand stared after her, then followed Arky out the back door.

They got into a nondescript, well-aged Ford. Zand drove down the alley to Wharf Street, and turned on Pier Avenue toward the Front. He turned off the Front near Erie Street and drove up a wide, well-lighted alley. Above them flared the huge gold neon sign which lighted pilgrims the way to the Club Imperial, the biggest, gaudiest and most expensive clip joint on the Front. It was a quarter past eight and the rear parking lot was empty. Zand drove into a stall marked *Private—Club Imperial* which was only a few feet from a huge, padded door.



"There's a tiny gray cloud on our horizon, dear. I've been scolding my secretary for months for being so inefficient. This morning she married my boss"

COLLIER'S JOHN NORMENT

Arky got out. Zand stayed in the car. A colored parking boy in gold pants came in from the alley, stared at the car for a moment, then disappeared.

Leon's long, chartreuse-colored convertible was parked in a stall marked *Owner—Stay Out—Yes, You!*

Arky smiled slightly. "That Leon fellow—he sures likes to be inconspicuous."

He disappeared through the padded door, passed through a long dark corridor filled with cooking odors, went through an employees' door, and came out into another corridor with a thick carpet on the floor, a crystal chandelier, glittering mirrors and huge divans. It was deserted. A piano tinkled in the bar at the end of the corridor.

He turned away from the bar, opened the door of Leon's office and went in. A tall, shapely cutie with cropped black hair was sitting on the desk in the anteroom, reading a magazine. She glanced up at Arky with no expression in her eyes and jerked her thumb toward the inner office.

"My little ball of fire," said Arky.

"You again?" she said in a flat, toneless voice, resuming her reading.

"What's wrong with me?"

"My mother was raised on a farm. She told me all about you farmers."

"Don't the suit help at all?"

"It hinders."

Every time he came, it was the same thing. A very irritating girl. One of Leon's many, masquerading as office help. Sure must cost him. She thought that Arky had money in the club and that his name was Johnson—not that she seemed to give a damn, one way or another. Most indifferent girl he'd ever seen in his life.

Arky pushed open the door of the inner office and went in. Leon was pacing the floor behind his big, carved desk. He looked at his watch, but made no comment. He was of medium height, but very husky. He had curly black hair slightly streaked with gray, and an almost startlingly handsome face with regular features and large, dark, heavy-lidded eyes. He seemed nervous.

Arky grunted a greeting. Leon went to his desk, took out a long, thick, sealed Manila envelope and tossed it to Arky, who caught it and slipped it into his pocket.

"It's a little short," Leon said.

"It varies," Arky said mildly.

"It's ten thousand short."

"That's a hell of a variation, my boy," said Arky, the amiable expression leaving his face.

"I know. I know," said Leon, hurriedly. "But there is over forty G's there. Forty G's a week is not exactly marbles."

"Come on, Leon. This money has to go to a lot of places."

"Don't get tough with me, Arky."

"Aw, for God's sake, stop trying to be boss. I work for somebody; you work for me. Now shut up that kind of talk."

Leon sat down and took his handsome head in his hands.

"We're slipping, Arky," he said. "And you know it as well as I do. Twenty convictions last month. How long do you think the boys are going to keep on paying when we can't deliver?"

"We been delivering for a long time. They got no kicks coming. I talked it all over with the Mover on the phone. Some of the boys have got to hold still for a conviction now and then, especially downtown. It makes the headlines, and the commissioner'll think gambling's being cleaned up."

"If Stark was out of there, maybe in a better job, things would be rosy. If the Mover was smart, he'd get him promoted, or run him for office—"

"If the Mover was *what?*" Arky shouted. "Why, you two-bit, dame-chasing, pretty-boy hoodlum—if it wasn't for the Mover—"

Leon was quailing. "All right, Arky. All right. I didn't mean it that way. But couldn't it be done?"

"If it could be done, it *would* be done. You just don't understand the commissioner. He don't want nothing—not a thing. And how can a guy be handled when he's like that?"

LEON ran his fingers through his thick, curly hair and sighed. Why didn't this lint-head go back to Arkansas? Wouldn't listen to reason. Wouldn't let you try to contact the Mover. Dared you to, in fact.

Arky was moving toward the door.

"Ark," Leon called.

"Yeah?"

"Suppose I told you it could be done. Suppose I told you I maybe had a guy could do it."

"It's all up to the Mover. Give me the facts."

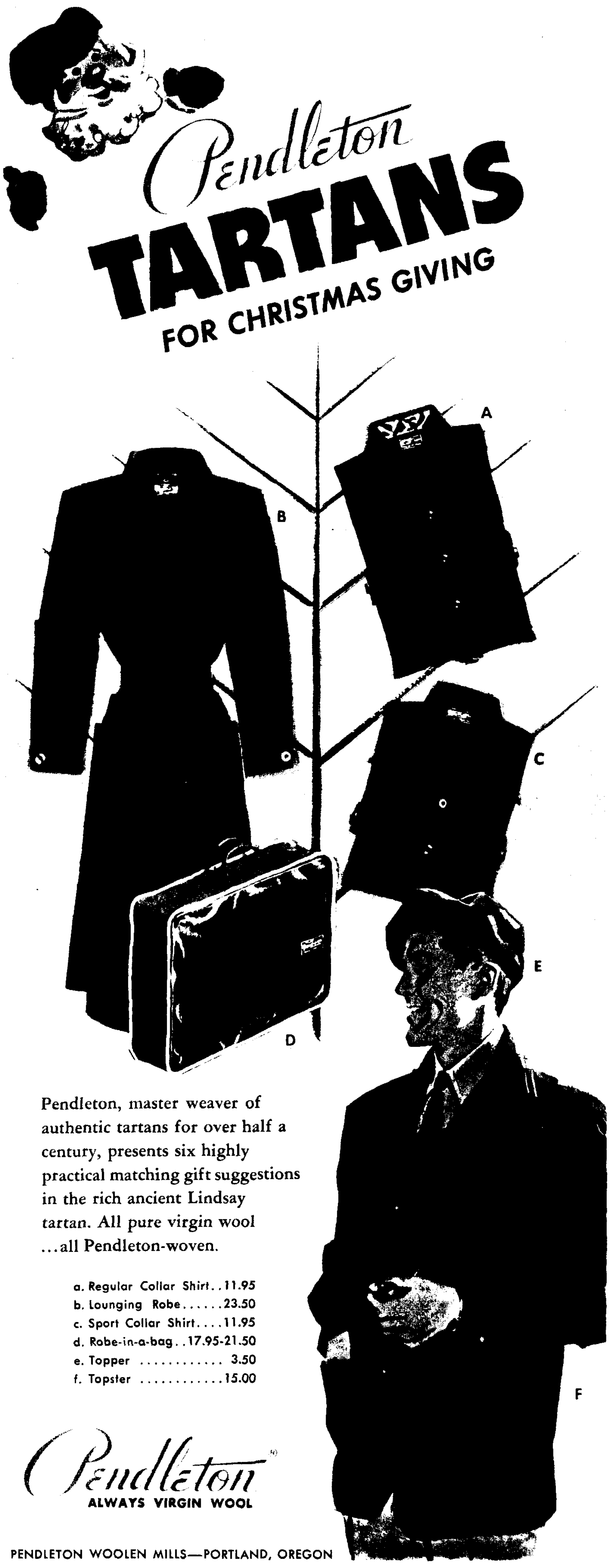
"No use," Leon said. "The guy won't make a play unless he can talk to the Big Man himself."

"Who is this trying to cut in? Not George Cline. Not *that* again."

Leon, showing a flash of something Arky didn't quite comprehend, grabbed his arm. "You better wake up," he shouted. "We're all on our way out unless something's done. The Mover's got to talk to somebody. I'll arrange it. It's for his good as well as ours."

Arky shook Leon off, then grew calm. "If the guy's got real angles, I'll talk to him; then we'll see. But don't go behind my back or maybe the Mover will throw you out in the street, like he did George Cline when George got too big."

Leon sighed and said, "You sure make it tough, Arky. All right. I'll see if this



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guy will talk to you, and he's not George Cline. That's all night-club gossip." . . .

Outside, Zand was waiting for Arky. "What's it mean when a guy from the D.A.'s office is leaving Leon's these days by the back door?"

"You mean Harry Radabaugh?" Arky asked quickly. "Did you see him?"

"Yeah. But I didn't ask him in for tea. Could be he's running errands for Commissioner Stark, maybe?"

"Radabaugh?" Arky laughed. "Not a chance. He's just a cheap pal of Leon's, always trying to get his foot in the door. Harry's so busy playing the angles even Leon don't trust him. Don't worry about Radabaugh, and don't worry me about him."

They drove in silence along the upper reaches of the River Road, passing the tall gateways of huge estates. Arky was anxious to get to the private phone at the cottage where he could talk in peace. After a moment, he said sharply, "Step on it a little, will you, Zand? Or give me the wheel."

Zand glanced at him sideways. "I'm doing fifty-five, Ark. These curves are bad."

"Pull over," said Ark.

Zand did not like to think about the rest of the drive: the memory was a nightmare. The tired jalopy swayed from side to side, and the tires shrieked on the curves. A couple of cars honked at them in fear.

WHEN Arky finally drew up in the dooryard of a fashionable cottage, he jumped out without a word and in a moment disappeared into the dark cottage. Zand heard a door close softly, then he saw a dim light in the windows.

A little man in his late fifties with a bald head, a tired smile, and shell-rimmed glasses had let Arky in and they were now walking down a dark hallway toward a brightly lighted study. The little man was known to hundreds of phone contacts merely as the Paymaster. The paying off was generally done by special messenger and not over half a dozen men in the city had any idea that the Paymaster was anything more than he was supposed to be: a retired lawyer who'd cashed in his holdings and was spending his declining years in a nice cottage on the upper river. He seemed to have a vague connection with several big law firms downtown, especially Dighton & Black, who handled considerable underworld business, particularly the business of Leon Sollas. But this was perfectly legitimate.

His name was Gordon King. He was a bachelor, had one servant, and spent his spare time collecting modern paintings, which covered the walls of his cottage and never failed to startle Arky.

As they entered the study, Arky handed King the envelope and explained about the shortage.

King shrugged wearily. "Well, in that case, we spread the shortage around."

"You'll get complaints."

"I'm used to them."

"I want to use the private line," said Arky. King nodded, tossed the Manila envelope into an open safe and went out.

Arky smiled to himself as he dialed the number. King knew the Mover better than he did himself—they were close friends, in fact—but the Paymaster was cautious, smart, wary; not like Leon, who wasn't satisfied with his chartreuse convertible, his Club Imperial and his harem, and wanted to be the Big One in fact as well as fancy. Leon was a wrong one. The Mover knew it, all right. The Mover knew everything. But he always worked slowly and cautiously, like the Paymaster.

Arky got no answer. The Mover's private phone rang no place but in his study. All the same, it was payday, and the Mover knew that Arky might call. Could something have happened?

Arky heaved a long sigh of relief when the Mover finally came on. His voice, deep and genial, always gave Arky a feeling of pleasure, of warmth, of security.

"Ark? Something wrong?"

Taking a deep breath, Arky explained at great length. The Mover did not interrupt. Finally, when Arky concluded, the Mover laughed, then said, "Arky, I've told you a hundred times you take that fool too seriously. Leon is not dangerous. He might cheat you—"

Arky paled and broke in. "You mean about that shortage? Why, I'll—"

"Wait! Wait! I don't mean the shortage. That has a perfectly legitimate explanation, as you know. I mean Leon is a cheap chiseler and a coward. No, Arky. We've had this trouble before. Somebody is always trying to move in. Naturally. This is one of the biggest gambling cities in the country. The take is bound to be big. So the wolves gather on the outskirts. We'll keep them there."

"You bet we will, sir," said Arky.

"Any talk about controlling Stark is ridiculous. As for getting him a better job in the city, *what* job? As mayor he'd be worse. As Director of Public Safety he'd turn the city upside down, and you can't elect a congressman every day. Quite a fellow—Stark." The Mover chuckled at the other end of the line. "Arky, you can't help admiring a man like that. I don't suppose you ever heard of Don Quixote—"

"No, sir. I didn't."

"Well, never mind. And as for removing him—hopeless. They love him at City Hall now. They can point to him with pride. Very funny." The Mover chuckled again. "Very, very funny. However, Arky, talk to this friend of Leon's. I want to know all about him. It might be a Big City bunch trying to move in. It's been done in other places. And it never works out. The locals end by taking a financial beating, the real money goes out of town, and pretty soon the shooting starts. Now we don't want any shooting, do we, Arky?"

"I ain't so sure," said Arky.

"Come, come, now," said the Mover. "Shooting is for idiots, Arky. Haven't I taught you anything in all this time?"

"You sure have, sir."

"Well, profit by it. And here is a thought: There is one hope of getting the commissioner out. On the whole, he's had enough of the bench. But the State Supreme Court's another matter. Such an appointment would be hard for any man to resist, even me." The Mover laughed.

"That's where you ought to be, sir; and not where you are." Arky bit his tongue and turned pale.

There was a long silence; then the Mover spoke in a different voice: "I'm going to ignore your insolence, Orval. Just this time. But I don't want to hear any more of it."

"Yes, sir," said Arky, sweating. "It just slipped out. I mean, you could handle it, sir. Nothing you couldn't handle."

"And never mind the flattery. You're not talking to Leon now. Anything else on your mind?"

"No, sir. I'll have Leon make a date for me to talk to this character. Then I'll call you."

"Check with the Paymaster and he'll set up the time for your call. I'll be right by the phone. I'm a little curious about this. Good night, Orval." The Mover hung up.

Arky could have kicked himself. When the Mover was really annoyed with him, he always called him Orval. "Why can't I keep my big mouth shut?" groaned Arky. "What the hell business is it of mine whether he's on the Supreme Court or where he is? He knows what he's doing."

ALL evening long Arky had not given Anna a thought; he'd forgotten that he'd worried about her earlier in the day and that Lola had promised a surprise of some kind.

But as he undressed for bed in his big old ramshackle apartment over the pool hall, suddenly he remembered. But the place was quiet; Anna was sleeping heavily in her bedroom—he had opened her door on his way in and listened for a moment to her heavy breathing. It was no time for surprises. Tomorrow was soon enough.

He put on his pajamas, turned out his light and got into bed. He liked to sleep alone. That was another one of Anna's beefs. She said it wasn't natural; they were as good as married, weren't they? But he'd be damned if he'd change the ways of a lifetime just to keep her quiet. You'd think she'd be used to it by now, after ten years. Or at least get tired of arguing.

But there was nothing tired about Anna. She was full of health, vinegar and hell in general. Arky laughed quietly to himself. Strong as a horse, she was always moving the furniture around, never satisfied with how it looked. The apartment was a show place, though you'd never think so from the outside. You'd come up those dark stairs from the pool hall, open the door, and there you'd be in a seven-room apartment that looked like a choice suite in a downtown hotel.

SUDDENLY, a faint alien sound in the apartment brought him straight up from his pillow. It was some kind of animal sound, a little like a cat mewing. The sound stopped. Arky lay back and waited. Then the mewing started again, followed by a faint, thin wailing. Arky felt a chill along his spine. Cursing, he sat up, swung his feet to the floor, and groped for his slippers.

The thin wail continued. Sounded almost like a baby. But what the hell would a baby be doing in . . . ? Now he heard a door open, and vague thumping sounds in the rear of the apartment, coming from the spare bedroom where nobody ever set foot. He found his slippers and robe, and, opening his own door, peered out into the hall.

The wailing started again, and suddenly a crack of light showed far down the hall under the door of the spare bedroom.

"I'm damned," said Arky, stumped.

Moving quickly down the hall, he opened Anna's door. Her bed was empty. He ran to the spare bedroom and turned the knob; the door was locked. He pressed his ear to the door. Anna's voice came faintly to him, punctuated by wails.

"Keep him quiet, will you, for God's sake? Ark's home in bed."

Another female voice spoke at some length, in a foreign language of some kind.

Exasperated now, Arky beat on the door. In a moment, he heard the key turn. The door swung back, and he was facing Anna. Beyond her he could see a fattish, frightened, towheaded girl, who couldn't have been over sixteen, holding a baby. The baby wailed louder than ever now, and waved its tiny fists.

"Will you stop making so damn' much noise?" cried Anna. "Get out of here. I'll talk to you tomorrow."

"You'll talk to me now. You think I want a zoo made out of my apartment? Who's that girl and whose kid is that?"

"She's my niece, and she's got no place to go."

"God, another Polack, and a little Polack on top of it. Ain't there enough Polacks in the world?"

"Maybe. And there's enough white trash, too. Get out of my way."

Furious, Arky grabbed Anna, pulled her out into the hallway by the wrists, and slammed her back against the wall.

"Don't get rough with me," said Anna, glaring icily at him. "I'm not scared of you." She tried violently to wrench herself away from him, and finally he let her go.

"The poor kid's hungry," she said, calming down a little. "He ain't et for five hours and he didn't eat good then."

Anna flounced away from him and disappeared into the kitchen. Scratching his head in irritation, Arky glanced into the bedroom. The towheaded girl was staring at him with the eyes of a whipped dog. The baby was now hiccuping.

"Please, she said, "I don't like bodder nobody."

"Ain't the kid got a father?" asked Arky.

"Please?" said the girl. "I don't understand."

"All right. All right," said Arky; then he turned and went back to his bedroom.

But he knew there was no use trying to sleep. Swearing to himself, he got out a deck of cards, sat down at a table, and laid

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out a game of solitaire. He heard Anna go down the hall, heard the door of the bedroom close; a few faint wails, then silence.

Arky woke up with a start and looked at his watch. Noon! What a sleep!

"Arky, are you dead?" Anna's cheerful daytime voice was calling. "I got your breakfast."

Arky got up, yawning, and opened the door. The towheaded girl came in, carrying his tray. She glanced at Arky fearfully. Anna, looking placidly cheerful, had the baby in her arms.

"Look at him, Arky," said Anna. "Ain't he a doll? He brought you good luck. That's the best sleep you've had in months."

Arky threw a grudging glance in her direction. The kid had reddish-blond hair, a fat face and round blue eyes. He looked like a baby—*any* baby.

"He's only six weeks old, but look how big he is. And strong! He's already grabbing at things."

"What's his name?" asked Arky, feeling slightly embarrassed by the baby's steady blank stare.

"Thaddeus," said Anna.

"That's a hell of a name," said Arky. "Who thought it up?"

"It's Milli's father's name."

The baby's smooth little face puckered for a moment, then it belched.

Arky started slightly and stared at the baby in disapproving surprise, then sat down at the table where Milli had put the tray and began to eat. He was hungry as a wolf and Anna had cooked him mush and ham with good thick ham gravy.

The baby belched again, then cooed, and seemed to laugh.

"Look at him laugh," said Arky. "How do you like that!"

"He's not laughing. That's gas," said Anna. "We tried a richer formula. Gave him gas."

"What do you mean, formula?"

"What he eats."

"Don't he eat milk?"

"Yes, but— Oh, never mind."

Milli spoke to Anna in Polish and Anna nodded.

"Don't none of your relatives speak English?" asked Arky, contemptuously.

"Milli only came over three years ago. She's my sister's oldest girl. How do you expect her to speak English when she only just got here? Can you speak Polish?"

Arky cleaned up his plate, stood up and walked over to the window. Milli grabbed up his tray at once and went out.

"She's trying to help, Arky," said Anna, irritated. "Didn't you notice? She's a crazy kid but she means well."

Arky turned and looked at Anna. "When's she leaving?"

"Can't she stay?" asked Anna quietly. "She's got no place to go." The baby gave a few preliminary whimpers, then a long yell. Anna tried to soothe him.

"What the hell's wrong with him?" asked Arky.

"Gas, I told you. He's got to be burped better." She turned and went out.

Arky called after her. "When I get back this evening I want that kid and her baby out of here."

He got no reply.

WHEN Arky phoned Leon's office at the Club Imperial, Roberta, the indifferent one, answered his ring. There was never any use trying to talk to Leon until 6:00 P.M. or after; Leon went to bed about dawn, and had his breakfast when other people had supper; but Arky wanted to set up a call.

"What time you expect him, ball of fire?" he asked.

"Oh, is that you, Hoosier? He said seven thirty. That means any time up to ten thirty. He drove out of town last night and didn't get back till this morning."

Arky thought this over, wondering. "If you don't hear from him by six, ring his apartment, honey. Tell him Johnson wants him to be in his office at eight. Don't slip up. Or you'll have to wear the same old mink next year."

"Did you buy it? Look, Hoosier, just because you own stock in the company—"

"Don't slip up, honey. I call his office at eight." He hung up. . . .

It was nearly six when Arky got back from the ball game. The bookie room was packed with patrons hanging on for late results from a California track. Zand came over to him at once.

"The Paymaster called," he said. "You're to call the Big Man right away."

Arky didn't say anything. Turning, he walked leisurely back through the bookie room and went out the back door. As soon as it closed behind him he hurried upstairs to his bedroom and shut the door.

The Mover answered his call at once. "Arky? I have some news for you. Not very good news, I'm afraid, but nothing too startling. I have good reason to believe that Leon is trying to deal the Big City boys in. One of them has already bought a place on the Front: the Bandbox. I've talked to the Officer. He'll close it up this week. Just a sudden raid, you know; and he can always blame the commissioner."

Arky laughed appreciatively. "Nice going, sir."

"It will cause trouble, but the right kind. So stall with Leon."

"I've got a call in for eight, figuring to make a date with that clunk of his."

"No dates, Ark. Cancel it. Ignore Leon till next week. We'll sweat him a little."

"He can stand it. He's got too much lard around his belt."

There was a chuckle from the other end. "That was a very tactless remark, Arky," said the Mover. "Perhaps you'd better sweat me, too."

ARKY wanted to bang his head against the wall. His big mouth! The Mover was a large, wide man and had quite a belly, although you could hardly notice it the way his clothes were cut. Anyway, Arky never thought of him as fat. He was a firm, solid-looking man. Leon, much slimmer, not fat at all, as a matter of fact, looked soft. "You know what I mean, sir," said Arky. "I didn't mean—"

"Oh, stop it. What's the matter—no sense of humor? All right. Ignore Leon. We may have some leads later. I understand that George Cline is in the Big City, talking to the boys, persuading them that things are such here now that they can move in. I don't know what George's idea is. If they did move in, they'd shove George back out of the way in a hurry."

"Maybe he's teamed up with Leon. They used to be friends."

There was a pause at the other end; finally the Mover spoke. "Arky, if things keep on the way they are going, we may have to start looking for a new front man."

"That suits me fine."

"I know. But they are not so easy to find. Anyway, that's for the future. But cancel your call. Let Leon sweat."

Arky told the Mover about Leon being out of town the night before, and the Mover said, "Sounds like a Big City boy. They like to stay out of sight. All right, Ark. Good-by."

Arky felt a grim satisfaction about Leon. He didn't like the guy, never had. It would be a pleasure to sweat him.

Smiling to himself, Arky took off his coat and loosened his tie. Then suddenly he observed that Anna had forgotten to lay out fresh clothes for him, and then he remembered the baby.

HE HAD just decided to investigate when his private phone rang. The Mover again? But it was Leon. Arky glanced at his watch. Not much after six. Why the rush?

"About that call tonight," Leon began.

"What call?"

There was blank silence for a moment at the other end of the line. "You called me today, didn't you? Roberta said . . ."

Arky had a sudden inspiration about how to sweat Leon. "No, Leon. I didn't call you. Maybe Roberta's been drinking."

"She said you called and you were sore. Wanted to set up a call for eight."

"I don't get it," said Arky.

"For God's sake, Ark, what *is* this?"

"You know as much about it as I do," said Arky indifferently. "Look. I'm busy."

"Wait a minute," said Leon, his voice sounding strange. "How about tonight? I can deliver this guy about eight. My office."

"What guy?"

"Why, the guy we talked about."

"I'll have to check with the Mover. See you next week, same time, same station." Arky hung up, laughing to himself.

Arky was in a wonderful humor, and a faint whiff of steak broiling made him feel even better. Whistling, he walked down the hall to the spare bedroom.

Anna, wearing a white smock, was working on the baby, who was kicking around, waving his little fists and chortling.

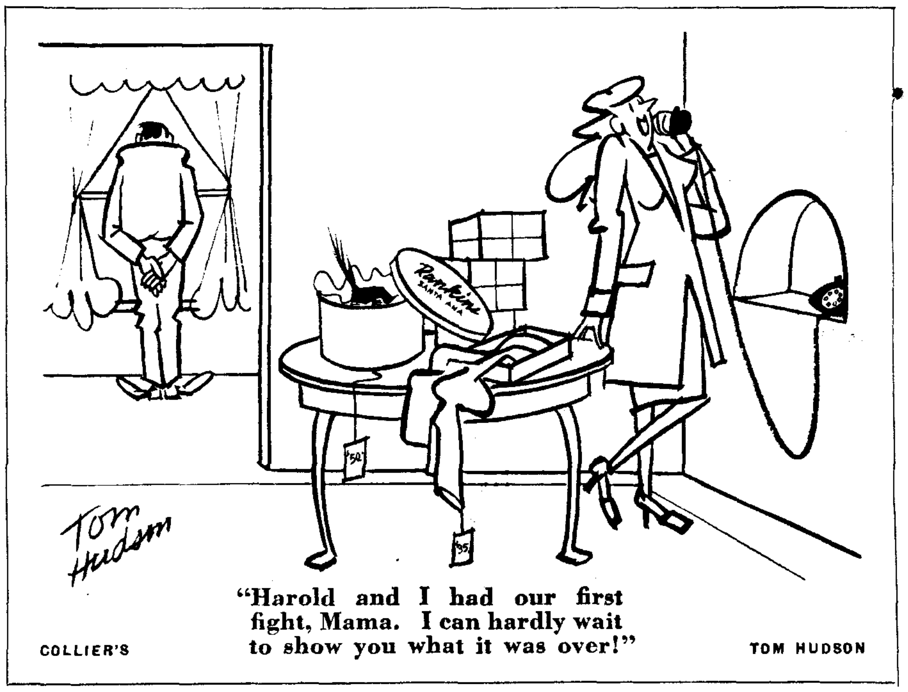
Anna glanced over her shoulder at Arky, but said nothing. By the bed was a beautiful new basket, lined with padded blue satin. Arky noticed a huge pile of baby clothes, a basket of bottles, three pale-blue blankets, several jars of nipples and caps, and even a couple of small toys—all new.

"Poor little devil," said Anna, "he didn't have nothing, nothing at all. He was sleeping in a market basket."

Arky made no comment; he was staring at the naked baby in wonder.

"He can stay, can't he, Arky?" Anna demanded all of a sudden. "She can't look after him—hasn't got sense enough—and all she's worrying about is that damn' fool boy friend of hers. He hates the baby: ran away and left her on account of it. 'Course, he's only eighteen—just a kid."

"He a Polack, too?"



"Harold and I had our first fight, Mama. I can hardly wait to show you what it was over!"

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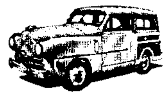
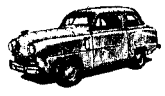
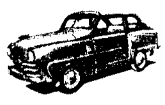
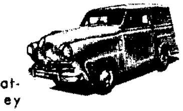

Super Station Wagon

Super Sports


Super Sedan

Standard Business Coupe


Super Convertible


Panel Delivery

"Yes, but his name's Chuck."

"Chuck what?"

"She didn't tell me."

"Probably don't know. Probably the kid didn't even take his hat off."

"They're married," said Anna, loftily, throwing a triumphant look at Arky. "She's got the license."

"Did you see it?"

"No, I been too busy. All I care about is this little love. Look at him, Arky."

"No, the hell with it. Babies are for women."

Anna turned and looked at Arky for a long time. "You know," she said at last, "I been trying to make myself believe that once upon a time you was a cute little baby like this, but it's no use. I can't do it."

"You know something?" Arky demanded. "You look mighty cute in that white thing you got on. Mighty cute."

"Supper's almost ready," said Anna. "Why don't you go change your clothes?"

Arky took out a cigarette and lighted it. "Why don't the kid take her baby home?"

"She's got ten brothers and sisters, all sizes. No room. Anyway, her old man kicked her out. Thad's awful strict."

"But they're married."

"They got married since; then Chuck run off."

"She can go home now she's married, can't she?"

"Thad won't even speak to her. He beat her with a stick. They had the police. It was awful, I guess."

"Fine thing," said Arky, staring at the end of his cigarette. "Don't the old man know it can happen to anybody?"

Anna laughed; then she lifted the baby up and showed him to Arky. He was dressed for sleeping in a little blue gown.

"Look at him, Ark. Can't he stay?"

"Well, I don't want to see him out in the street." Arky sighed. "God, I don't know. Funny things sure happen to a guy."

"We might have had one ourselves. You never know."

Just then Milli came slinking in, hesitated for a moment, handed Arky something quickly and ran out.

"What the hell is this?" Arky demanded, staring at the piece of paper.

Anna came over and took it. "It's her marriage license. You see?"

"What's the father's name?"

Anna studied the license. "It's . . . Aloysius Sienkiewicz."

"It's what?" asked Arky, staring.

Anna repeated it, then turned to the baby. "That's you, darling. Thaddeus Sienkiewicz."

Arky went out in disgust.

IN a few days Arky got used to the baby, and even showed a faint interest in it at times, but he couldn't get used to Milli, who never relaxed when he was around.

Anna tried to explain. "You see, you're the head of the house, Arky, and she thinks you're like her old man. She's figuring she'll do something wrong without knowing it and you'll cuff her around. You may not realize it, Arky, but you got a mighty mean look in those small eyes of yours at times."

"I don't look mean at her. She just irritates me. What an animal!"

"You ought to be ashamed of yourself, talking that way. Long as you've been out of the bushes, and you still talk like a hillbilly radio show. Why don't you talk to fit your suit?"

"You wouldn't go so well in Riverview with all the swells yourself."

"My old man still can't talk English. Neither can my mother, or even my own sister. I think I do pretty good. But you! All your folks been here—"

"Since the Revolution, by God," said Arky. "You wouldn't know about such things. All your folks were living in huts along a river some place at that time. Or maybe in trees."

"That's why you won't marry me, isn't it, Arky?" asked Anna suddenly, her face serious.

Arky was slightly taken aback and flushed. "Who says so?" he blustered.

"That's the reason," said Anna. "You can't kid me. You think foreigners stink."

To Arky's astonishment, Anna burst into tears and ran out of his room, slamming the door. He went out and down the stairs to the pool hall, cursing to himself.

He stopped before the door of the bookie room to compose himself. Zand was sitting on the counter, reading a tabloid. When he saw Arky he handed him the paper without a word.

A headline read: NOTED FRONT CLUB RAIDED.

"Bandbox?" asked Arky.

Zand nodded, grinning. "The Officer did it up brown."

The buzzer from upstairs sounded under the counter.

"Anna, I guess," Arky said. "Now what?"

Anna was waiting for him on the landing.

"Telephone," she said. "Leon."

ARKY threw her a surprised glance, then a smile of satisfaction began to spread slowly over his rugged, homely face. He went into his bedroom, closed the door, picked up the phone and said, "Leon? What's with you?"

"Where you been? Why haven't I heard from you?"

"I'm not due till tomorrow night. Something wrong?"

"I thought we were going to get together. I can't keep this guy waiting around forever, Ark."

"Send him back to the Big City then."

Dead silence at the other end for a moment. "I wish you'd stop playing horse, Ark. This is serious."

"Sure is."

"I'm only trying to do what'll help us, Ark."

"Oh, sure, sure," said Arky, with exaggerated irony.

"Have you contacted the Mover?"

"Tried to. But he's been very busy. He'll get around to it sooner or later. Keep your shirt on."

A pause. "We better get some action, Arky. And not only on this business. How about the Bandbox? There goes five hundred a week."

"I heard a funny thing about the Bandbox," said Arky. "Did you?"

A pause. "What do you mean, Ark?"

"If you don't know, it ain't up to me to tell you. Anything else, Leon?"

"Anything *else!* We've got no place so far."

"I'll try to get in touch with the Mover before I see you tomorrow."

"All right. And say, try to find out what he's going to do about the Bandbox. That's serious."

"He ain't going to do nothing. He already did it."

"You mean he—"

"Look, Leon. Out-of-towners may think they are dealing with country boys. But sometimes country boys know the time of day too. And another thing, Leon. Don't try to go to the Mover behind my back."

"How can I if I don't know who the Mover is?"

There was a brief pause; then Arky spoke in a deadly voice, "But you do, Leon."

"What are you talking about?"

"You know what I'm talking about. You've tipped it half a dozen times in the last year or so."

"Tipped it?"

"Yeah, in your conversation. You know, all right. So be careful, Leon. If anything should accidentally happen to him . . ."

Leon sounded shaken. "What are you trying to say? You insinuating that I'd—"

"I'm not insinuating. I'm just saying—*don't.*"

"You're getting crazy, Ark."

"Look, Leon, I've known about you for a long time. You've given plenty guys the double shuffle. And you might do it again—but it'd be the last time."

Arky hung up, grunting with satisfaction. Hundred to one Leon's guy would be waiting to talk to him tomorrow. He'd contact the Mover, see what he should do about it.

(To be continued next week)

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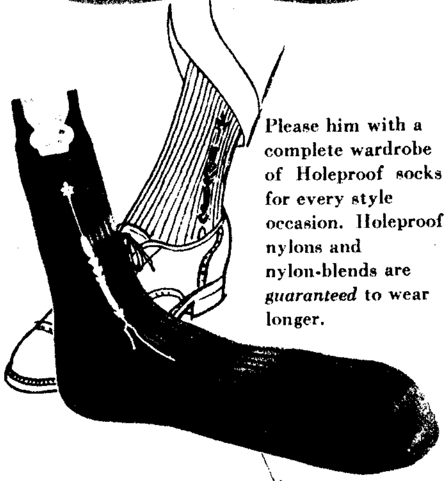

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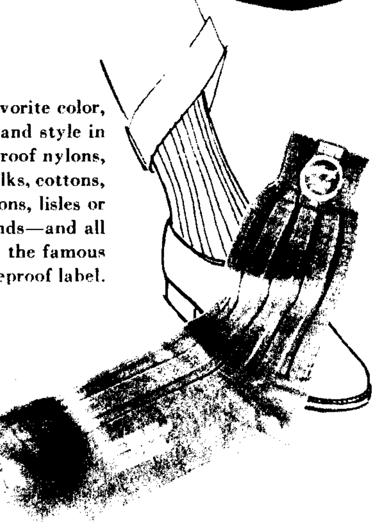

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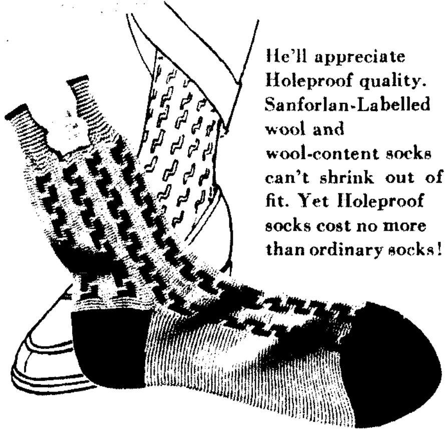

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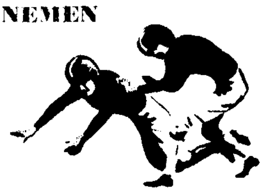
DEFENSIVE LINEMEN



AL WAHL, Michigan
NEAL FRANKLIN, Southern Methodist
ELMER COSTA, North Carolina State
BOB GAIN, Kentucky
BOB WARD, Maryland
MIKE McCORMACK, Kansas
BERNIE LEMONICK, Penn
BUD SHERROD, Tennessee
BOB MOMSEN, Ohio State

LINE-BACKERS

ELMER STOUT, Army
TONY MOMSEN, Michigan
DONN MOOMAW, UCLA
IRV HOLDASH, North Carolina
JERRY GROOM, Notre Dame
WYNDIE WYNDHAM, Clemson
CHUCK DENNING, Iowa
DICK HIGHTOWER, So. Methodist

DEFENSIVE BACKS

ED SALEM, Alabama
JOHN PETITBON, Notre Dame
DICK MARTIN, Kentucky
BUDDY JONES, Oklahoma
DICK WIDDOES, Ohio State
BILL RHOADS, Penn
JACK DWYER, Loyola of Los Angeles
ROLAND KIRKBY, Washington

OFFENSIVE LINEMEN

LES RICHTER, California
JOHN PIERIK, Cornell
BOBBY COLLIER, Southern Methodist
MIKE MIZERANY, Alabama
CLAIR MAYES, Oklahoma
HERB AGOCS, Penn
DON COLEMAN, Michigan State
BILL TRAUTWEIN, Ohio State

OFFENSIVE BACKS

AL POLLARD, Army
JOHNNY KARRAS, Illinois
JOHNNY BRIGHT, Drake
JOHNNY DOTTLEY, Mississippi
FRANK BAGNELL, Penn
CHUCK ORTMANN, Michigan
JIM MONACHINO, California
BYRON TOWNSEND, Texas

PASSERS

BILL WADE, Vanderbilt
CHARLEY MALOY, Holy Cross
DON HEINRICH, Washington
BOB WILLIAMS, Notre Dame
BILLY COX, Duke
VERNON GLASS, Rice
JOHN FORD, Hardin-Simmons
BILL WEEKS, Iowa State

PASS RECEIVERS

DON STONESIFER, Northwestern
BUCKY CURTIS, Vanderbilt
ANDY HILLHOUSE, Texas A&M
VITO RAGAZZO, William & Mary
TOM BIENEMAN, Drake
BOB CAREY, Michigan State
BEN PROCTER, Texas
BOB WILKINSON, UCLA

KICKERS

Punters:
PAT BRADY, Nevada
ZACK JORDAN, Colorado
MILT SMITH, Utah
BUTCH AVINGER, Alabama
DEAN DAVIDSON, Vanderbilt
DOLPH SIMONS, Kansas
GLENN DRAHN, Iowa
LARRY ISBELL, Baylor

Extra Points:
JIM WEATHERALL, Oklahoma
VIC JANOWICZ, Ohio State

Kickoffs:
VIC JANOWICZ, Ohio State

The 61st All-America

CONTINUED FROM PAGE 20

the Oklahoma line, offensively and defensively, and was an accurate extra-point kicker under pressure (his placement with three minutes to play edged Texas, 14-13).

Eastern coaches rated Donan as Princeton's greatest lineman since Stan Keck of the early 1920s. Over a period of three years, five out of every seven plays called by the opposition were directed *away* from Donan's position. Offensively, he blocked hard and often. "A helluva holler guy," is the way Coach Charley Caldwell describes him. "He kept the team pepped up." Hollerin' Holland was a man of several thousand words off the field, too. During the season, he worked out the rough draft of a 25,000-word senior thesis. Title: The History of the Glass Industry.

Dan Foldberg of Army (6 feet 1, 185 pounds), who shares All-America end assignments with Bill McColl of Stanford (6 feet 4, 225 pounds) delivered the key blocks which made Al Pollard the East's most feared breakaway runner. Foldberg was a deft pass grabber, too. Coach Earl Blaik says, "Foldberg is the greatest offensive end I've ever coached. As a blocker, particularly on the opposing tackle, he has no equal."

Stanford did not live up to preseason expectations, but McColl did. He was a rugged 60-minute performer, who blocked and caught passes expertly, and backed up the line in stalwart fashion on defense. West Coast coaches rated him one of Stanford's finest football players since Ernie Nevers (another member of the Mid-Century All-America cast).

And back to the backfield—where versatile Vic Janowicz has three talented associates: quarterback Vito Parilli of Kentucky (6 feet 1, 183 pounds), halfback Kyle Rote of Southern Methodist (6 feet, 195 pounds) and fullback Leon Heath of Oklahoma (6 feet 1, 195 pounds).

Parilli did everything that a T-formation quarterback could do—and a little more. When Kentucky shifted into a single-wing variation, Parilli took over the triple-threat tailback spot. He ran, passed, punted—even quick-kicked. Sid Gillman, the Cincinnati coach, who was an assistant to Earl Blaik at West Point when Army's Arnold Tucker and Notre Dame's Johnny Lujack were in their prime, testifies: "Parilli handles that ball like an acorn—better than any T-quarterback I've seen. And he thinks a smart game."

In the final game of the 1949 season, Southern Methodist's Rote—doing double duty for the injured ace Doak Walker—whirled through one of Notre Dame's finest teams for three touchdowns and barely missed a fourth by six inches. The resultant publicity flare-up made Rote a marked man for 1950; but Kyle took the ballyhoo, as he takes tackles, in stride.

At 195 pounds, Rote has the weight and drive required for slashes through the middle, but he's also fast enough to turn the ends. When he races toward the right flank—ball held high in his right hand—the opposition doesn't know what's likely to happen. Kyle runs or passes, as the situation develops.

Oklahoma fans have a nickname for fullback Leon Heath—"Mule Train." But Heath has speed with his tremendous power. He hasn't been caught from behind since Perry Samuels, Texas' :09.5 sprinter, nabbed him in '48. Coach Wilkinson says, "Heath is the only man I've seen who can do everything a great fullback must do—block, back up the line, catch passes, buck and sprint like a halfback in the open. Good blocking by the fullback is all-important in our split-T offense—and the success of our halfbacks proves that Heath is a great blocker."

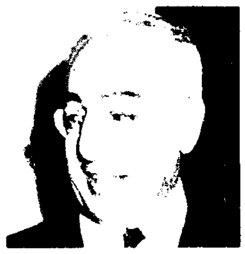
Heath, Rote, Janowicz and Parilli in the backfield. Foldberg, Donan, McFadin, McCullough, Daffer, Weatherall and McColl in the line. That's the 1950 All-America line-up, and plenty good enough to give Collier's Mid-Century All-America a real battle. THE END

The All-America Board

RAY ELIOT
University of Illinois

HENRY FRNKA
Tulane

FRANK LEAHY
Notre Dame



LOU LITTLE
Columbia

TUSS McLAUGHRY
Dartmouth

DUTCH MEYER
Texas Christian

CARL SNAVELY
North Carolina

LYNN WALDORF
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BUD WILKINSON
University of Oklahoma

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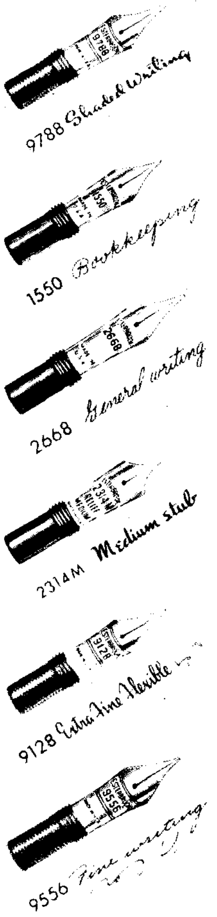
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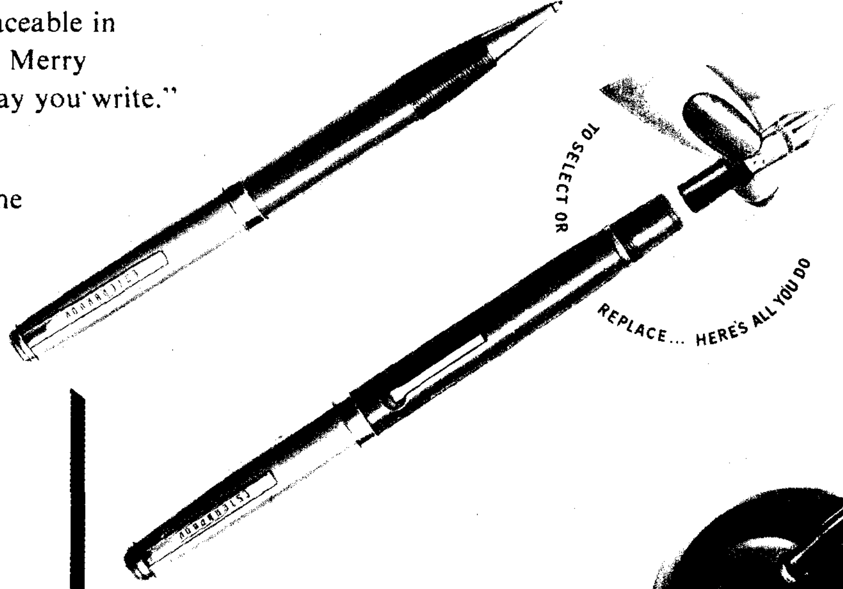
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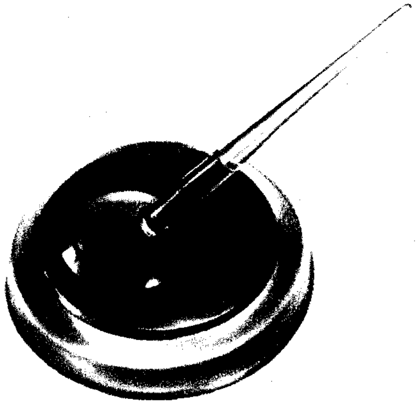

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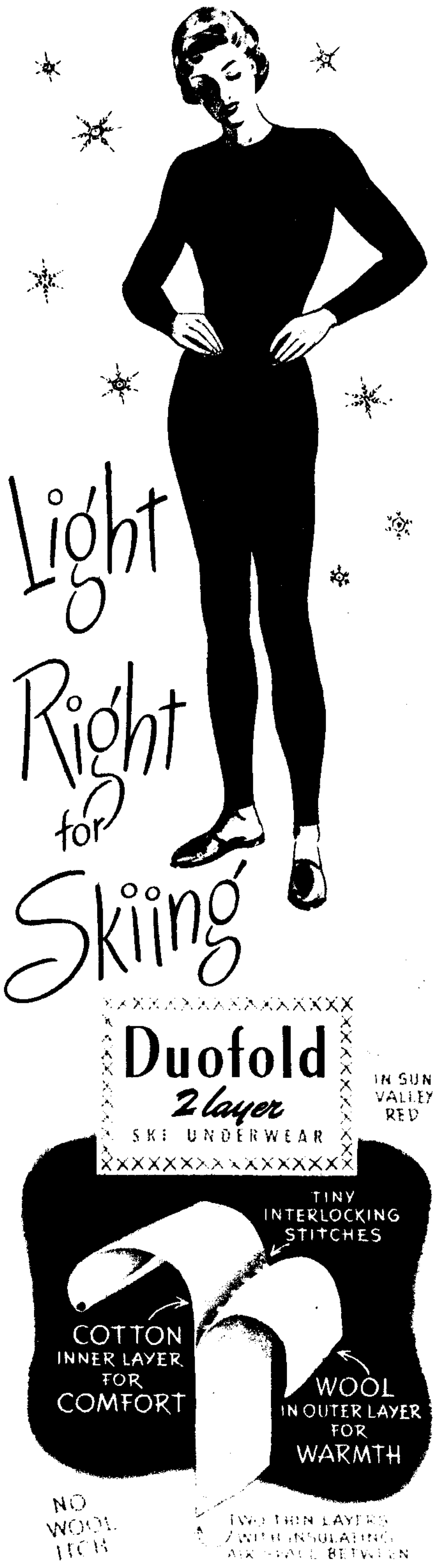

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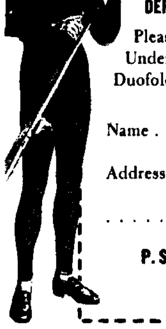


Beauty and the Beasts

CONTINUED FROM PAGE 24

persuaded a keeper to slip her inside the compound. Then, cautiously, she approached the mother and calf with her camera.

The mother unconcernedly kept licking the calf, and Ylla knelt down to make the photograph. Just then, however, she felt a strange sensation at the back of her neck. She wheeled around. The male water buffalo was standing there, head lowered! But he wasn't angry. He was, in fact, expressing great admiration for the chic red hat she was wearing, nuzzling it all over with his wet snout.

Ylla took it for granted that the water buffalo wasn't any more unfriendly than an old cow. So she resumed taking the photos. The male, however, kept drooling on her and tickling her neck. He was fascinated by the red hat. Not only that, but he kept tipping her off balance every time she had the camera focused.

Finally, in exasperation, Ylla kicked at the ponderous beast, shouting, "Go away, you big fool, you!" The water buffalo still was nuzzling her hat as she finished the photos and left the cage.

That's all there was to a historic photographic event. The next day, the same water buffalo charged a keeper as he entered the cage. The keeper was impaled on the animal's two-foot horns and gored to death.

It is this combination of skill and daring that has made Ylla, still in her thirties, dominate her field as completely as Joe Louis once dominated the heavyweights. The chances are that you see a dozen Ylla photographs every day without realizing it —since she is responsible for more than half of all animal photographs used in newspapers, books, magazines, advertisements, posters, billboards and box tops.

Some Classic Animal Subjects

She has made intimate portraits of cats, dogs, horses, tapirs, aardvarks, fish, wart hogs, tigers, elephants, parrots, rhinoceroses, orangutans, asses, and just about every other conceivable type of creature—except walruses, which are not available this side of the Arctic Circle, and snakes, which she dislikes. Some of her photos have become classics, and they are as familiar to most Americans as the Mona Lisa and Whistler's Mother. Among these are a famous shot looking directly into the wide-open mouth of a hippopotamus, a polar bear floating languorously on his back in the water, a chimpanzee with finger to head as if figuring out a weighty problem, a kitten laughing, a group of pelicans gossiping, and a pair of graceful giraffes kissing.

Nearly everything involving animals involves Ylla somewhere along the line. For instance, when producer-movie actor James Cagney needed a boxing kangaroo for one of his films a few months ago, his office combed the zoos and pet shops without success. Then, in desperation, they phoned Ylla. She looked through her files and answered sweetly, "Yes, I did photograph a boxing kangaroo a couple of years ago. His agent is a man named Shilling." Within a week, the kangaroo was on his way to Hollywood.

When noted biologist Julian Huxley wanted a picture of a zebra to grace a Christmas card, he used an Ylla masterpiece. During the war, when the Germans needed portraits of bulldogs and bears for posters caricaturing England and Russia, they stole Ylla prints and plastered them all over Europe. Today, pet owners stream to her studio in New York City to have their dogs and cats photographed with the magic Ylla touch—at the rate of $60 per touch—home-coming African explorers, like Armand Dennis, rush directly to see her with their chimpanzees and other small animals; and magazine and newspaper editors have developed the habit of phoning Ylla first, the zoo second.

The New York Times recently wrote, "Ylla's work is a new high in animal photography"; and the bible of the shutterbug, U.S. Camera, devotes pages to Ylla and her exploits. A pronouncement in that authoritative journal flatly stated, "Any new and exciting pictures from the zoo are almost sure to have Ylla's name on them."

In 1940, when the Germans overran western Europe, the United States government asked American museums and universities to help draw up a list of endangered European artists and scholars who should be saved—for the benefit of humanity—by granting them American visas. Ylla's name was submitted by The Museum of Modern Art, and that's how she escaped from Vichy France and in due course of time became an American citizen.

Top Billing at Art Exhibit

In 1942, when New York's Weyhe Gallery ran an exhibition of famous paintings and sculptures of animals, from primitive times to the present, many of Ylla's photographs were included. They were considered such outstanding works that in the advertisements of the exhibition she was given more prominent billing than such world-renowned artists as Goya, Degas and Picasso.

But perhaps the most significant sign of her eminence is the fact that she can get away with using only one name—a distinction hitherto reserved only for top-flight entertainers like Hildegarde and Raimu, the late dean of French actors. Her last name is Koffler, but she never uses it except when signing checks and contracts—which is often, since in addition to her regular work, she is collecting royalties on 12 books of photographs.

These books, which average well over 20,000 copies in sales, are a symbol of how well her single name is known all over the world. A war correspondent recently reported that in such out-of-the-way places as southern Japan and northwest Spain, he merely had to mention the name "Ylla," and copies of The Sleepy Little Lion were thrust on him, with texts in Japanese and Basque.

Ylla's early life gave no hint of this remarkable future career. It did, on the other hand, smack strongly of a background for an Alfred Hitchcock movie. She was born in Vienna of a Rumanian father and a Yugoslav mother, who were residents of Hungary. Her father was a well-to-do businessman in that country, but shortly after Ylla was born, World War I broke out. Then came the Béla Kun Communist terror in Hungary, followed by other Balkan upheavals. As a result, Ylla remembers a childhood of almost constant flight. "We were always escaping from somewhere," she says, "with Mother's jewels sewed into her fur collar, the family money hidden in my shoes, and both of us sitting on a sack of flour."

When she was eight years old, she settled down with some degree of permanence in a German boarding school in Budapest, and when she was fourteen, she joined her mother, who had opened an interior decorating establishment in Belgrade. By this time the child had acquired a fair working knowledge of five languages—German, English, French, Hungarian and Serbian—and she had modified her first name to Ylla, mainly because Kamilla, inherited from a grandmother, means "camel" in Serbian. "I was tall and gawky enough," she says, "without having a name to remind my playmates of the animal I most resembled."

By the time she was nineteen, the resemblance to the camel had completely ceased to exist, since she had developed into a slim, five-foot-nine-inch, striking-looking young lady with enormous hazel eyes and up-swept chestnut hair. She also had developed a taste for sculpture, and she repaired to Paris to lead the Bohemian life and study at the Academy Collarossi.

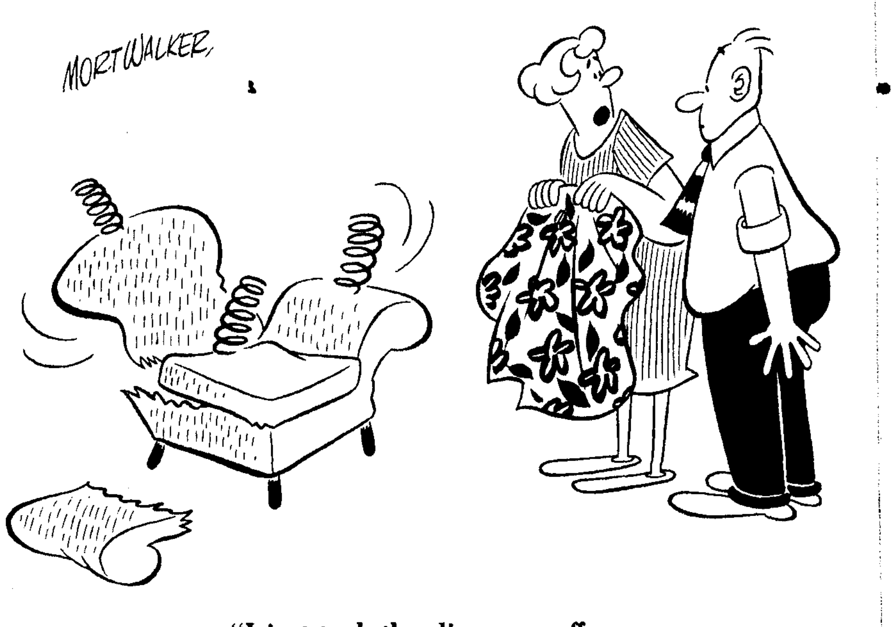
A Photographer's Philosophy

After a few months she discovered that even this required a certain amount of money, so she looked about for some means of earning it. A friend sent her to a famous woman photographer named Ergy Landau. Miss Landau adopted her as a pupil, and that was the beginning of the Ylla photographic career. She dropped sculpture completely. As she says now, "In sculpture you have to suffer and you are completely isolated. In photography, you are in constant contact with life—and you don't have to be a genius."

Her choice of animal photography came about through a couple of fairly staggering experiences for a young idealist. She was in Miss Landau's studio one day when a woman came in to look at proofs of portrait photographs of herself. "Very good," said the woman, "but naturally they haven't been retouched yet."

"Naturally," said Miss Landau. And this was a shock to Ylla because she had spent the entire morning watching Landau touching out lines and extra chins in the woman's face.

The same thing happened when she went



COLLIER'S

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MORT WALKER

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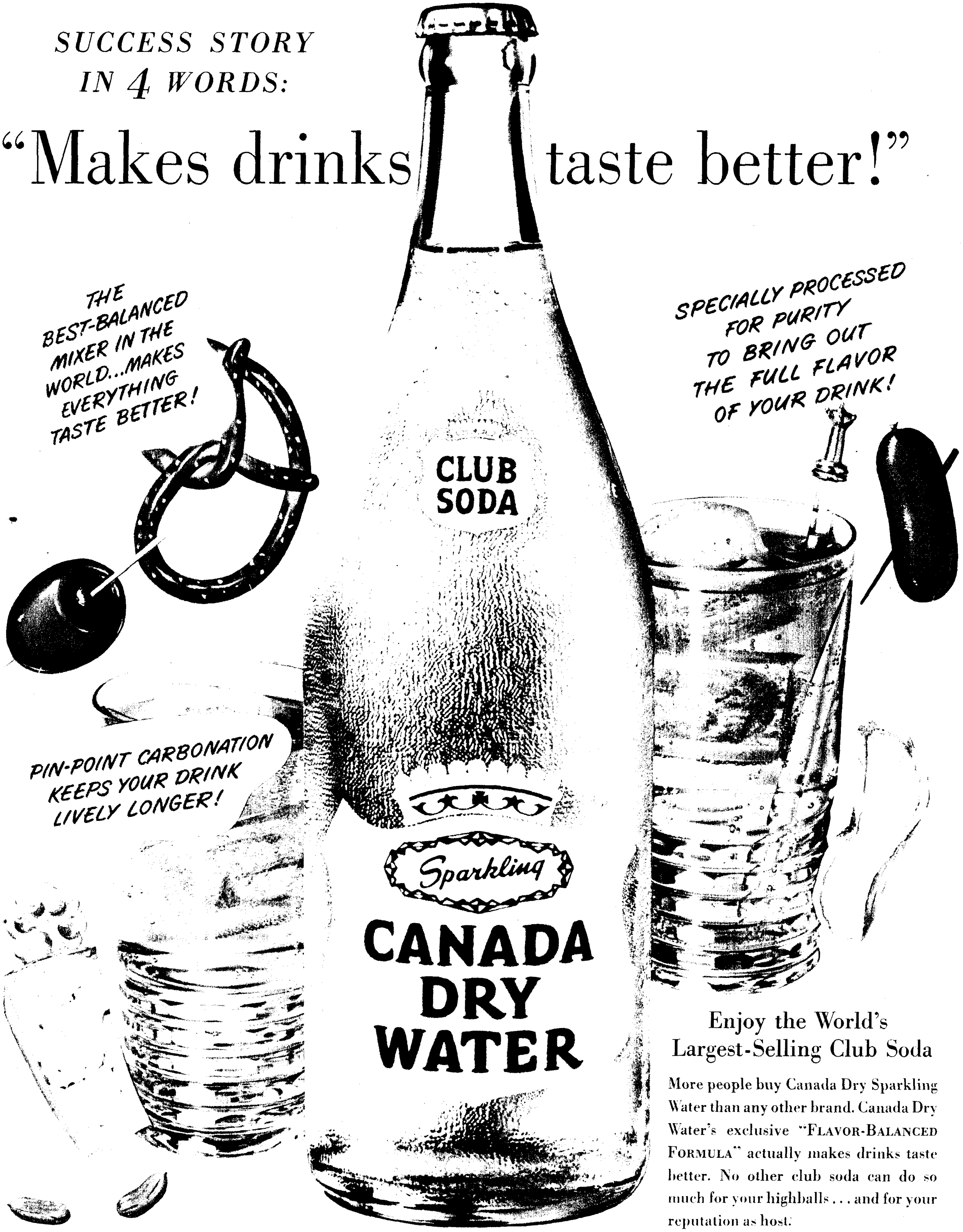
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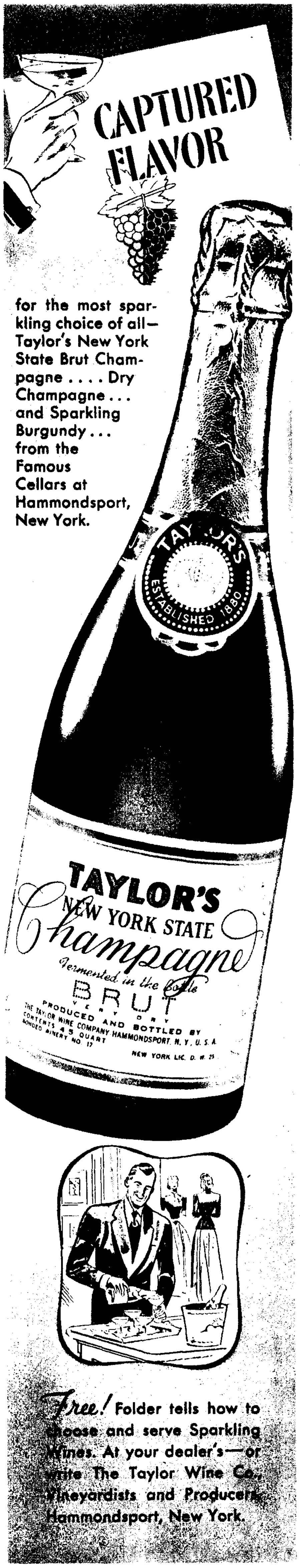

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to work as a still photographer on a movie called Paris, a product of French director Jean Choux. She had a tremendous fight with Renée Saint Cyr, the leading lady, who claimed that Ylla was not making her look glamorous enough, and then she ran into similar trouble with the Turkish wife of the late male star, Harry Baur. In this case, Madame Baur was playing nothing more than a small chambermaid walk-on part. Ylla quit.

Thus disillusioned about truth in photography, Ylla became a setup for animals, who, she says, "have no vanity and don't care if a wrinkle shows under the eye." In the summer of 1932 she went to a little town near Dieppe in Normandy for a vacation, and got to know a group of young architects who were building a hospital in the town.

One day, Ylla noticed that all the architects had dogs that they didn't have time to care for. So did the famous French artist, Georges Braque, who lived across the street. Finally Ylla screwed up the courage to volunteer to run a canine-walking service for the entire group. Every morning she took the dogs out into the country, and soon she fell in love with them, principally, she says, because she had never been able to have pets as a child, due to all the moving around the family had done.

Just for practice, she made photographs of the dogs—then cows and all other animals that she encountered on her morning walks.

This was the turning point for Ylla. When she got back to Paris, Miss Landau took one look at the practice photos and then entered them in an exhibition at the Pleyade Gallery. The photos enchanted the critics.

The astounded Ylla opened a pet portrait studio on the Rue Desrenaudes in Paris, and soon a publisher was clamoring for two books, which she did, entitled simply Cats, and Dogs. She followed with another tremendously popular book of mother-and-baby animals called Big and Little, and then she was invited to go to London to illustrate a new book, Animal Language, by Julian Huxley, then secretary of the Zoological Society of London.

Why the Mouths Are Open

The illustrations consisted mostly of shots of animals with their mouths open, a circumstance which, Ylla says, "was due mostly to the fact that I was offering them something to eat—not that they had anything to say."

By the time World War II broke out, Ylla's fame had spread to the United States, where American editions of her books were published by Scribner's and later by Harper & Brothers. In Paris she became almost as well known as Maurice Chevalier and it was commonplace for Parisians to see her tall, lithe figure striding down the Champs Élysées with all manner of dogs. It became a fad in Europe for children's rooms to be decorated with Ylla photographs of puppies and kittens; and one of her favorite subjects, a chimpanzee, had his face published all over the world. This chimp belonged to a neighbor, a veterinarian, and he learned to eat at the table with the family, turn lights on, do a "Josephine Baker dance" and go to the bathroom.

She visited the Antwerp Zoo and a bird-sanctuary island off the coast of Brittany, and she continued to have her narrow escapes. For instance, at the Cleres Zoo in France, she went into a compound to photograph a Japanese stag. The frightened stag backed up and backed up. When he reached the fence and couldn't retreat any more, he attacked. He charged directly at her with his sword-pointed antlers.

Ylla stood transfixed, and only a freak bit of geography saved her. The stag was running down an incline from the peak of a small hill, so that when he hit Ylla, she was still a foot or so below him. Accordingly, he struck her with his forehead rather than his horns, and she was merely knocked to the ground and bruised instead of being run through by the antlers. Her remarks after this escape were classic. She said, "He ran away, and I ran away, and the session was over. From that I learned never to corner an animal where it can't back up any more—including the human male animal."

Even more exciting than all this was Ylla's escape from the Germans in 1940. On June 10th, four days before the Germans arrived, she was told she would have to wait 10 days to get papers to leave Paris, on the grounds that she was an alien. So she sent her cameras to Tours with a friend in the French Ministry of Information; and then a group of American Quakers heading south hid her under the back seat of their truck, out of sight of the military police, who were checking all vehicles on the road.

When she arrived in Tours, however, she found that the Ministry of Information already had moved on to Bordeaux. Only one young man remained behind to close up. He took one look at her, whistled, and offered her a ride in his car. In this way, she got to Bordeaux, in a convoy headed by American correspondent Edgar Ansel Mowrer and French writer Eve Curie.

In Bordeaux, she found her cameras, and almost miraculously she got a truck driver to smuggle nearly a thousand of her priceless negatives from her Paris studio to Marseilles. Here she did a bit of smuggling herself, taking pictures of the wretched conditions in Vichy France and sneaking them out of the country to American magazines.

She bought a rubber mattress and slept on it on the floor of friends' homes. Once she was arrested for illegal photo taking; and on another occasion, she and one of the Quaker girls were almost caught hiding an escaped Free French air force officer in their apartment. The Vichy police suspected this and sent a man in an aviator's jacket to ask her how he could join De Gaulle. She gave a pro-Pétain answer, but the police came at 6:00 the next morning to quiz her. After hours of questioning they let her go—presumably to see if she would contact anyone else.

A few days later, however, Ylla's American visa came through (thanks to the sponsorship of The Museum of Modern Art and the publisher of U.S. Camera), and she was on her way to Martinique on a French liner called the Winnipeg. The ship was filled with a strange mixture of Vichy officials and some 800 Germans, Hungarians, Czechs and Poles who had escaped from concentration camps. Like Ylla, the refugees were trying to get as close as possible to the United States, hoping against hope for another boat from Martinique to New York.

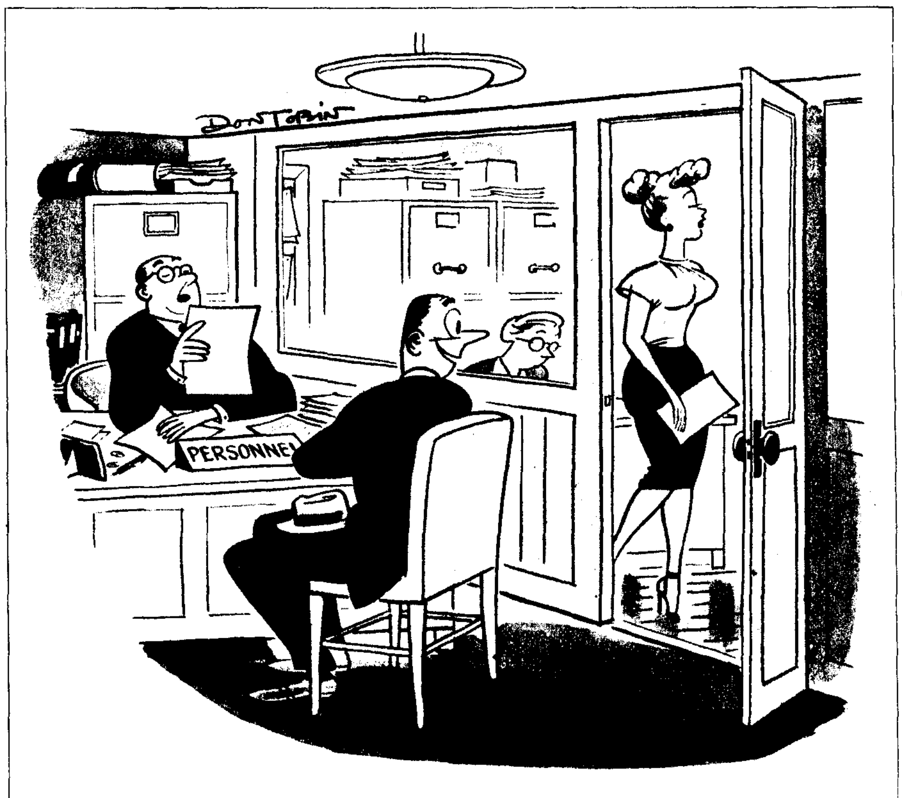
However, at four o'clock in the morning, two hours before they were due to land in Martinique, the ship was rocked by gunfire. Floodlights swept the decks of the Winnipeg, and a phalanx of sailors stormed aboard with tommy guns. Ylla almost cried with relief when she saw them. The sailors were Dutch! They took the Winnipeg to Trinidad, a British island—and in less than a week she was in New York.

Climax of a Success Story

Ylla's welcome in New York couldn't have been warmer if she had been a liberated guided-missile scientist. Three days after she arrived, she was invited by the Bronx Zoo to photograph the lions. A few weeks after that, The Museum of Modern Art recommended clients whose fees helped her open a studio. And soon, her photographs were appearing in newspapers and magazines all over the country. In 1942, she was bitten by Madame Chiang Kai-shek's panda in the Bronx Zoo. This story got into the newspapers, and from that moment on, she *really* was made. In a short time, she picked up 30 portrait clients, four magazine layouts and three dog-food advertising accounts.

Today, Ylla—who still is unmarried—lives and works in an attractive studio-apartment on New York's cosmopolitan Fifty-seventh Street. The studio section of the apartment is equipped with bones, catnip, rubber mice, noisemakers, backdrops, a remarkable speed-light system attached to tracks on the ceiling, and special leak-proof floor wax for puppies, kittens and other unhousebroken fauna. The living section of the apartment is equally unusual. It is decorated with totem poles, primitive masks, a carved antelope head, a wooden crocodile, French and English books, tasteful modern furniture, a Picasso, and a huge zebra-skin rug bought from a fellow photographer in 1946. "This photographer used to pose nudes on the zebra skin," she says, "and after a while the striped background bored him."

Ylla herself fits in perfectly with this exotic setting. She has a French-German-Hungarian-Yugoslav-Rumanian-Austrian-British accent that defies analysis by language experts, one of whom is reported



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to have thrown up his hands and declared, "Mata Hari must have sounded like her."

When she answers the telephone she says, "Here is Ylla." instead of "Hello," and she manages the most charming juxtapositions of words. She will say to a dog, for example, "Go away, McGillicuddy, from here!" She wears the latest Paris clothes, which she buys on her annual trip to case the European zoos; and when she elevates her five feet nine inches to an even six feet by the use of high-heeled shoes, both male and female heads swivel around as she sweeps past—even on ultrafashionable Fifty-seventh Street and Fifth Avenue. Her tall, elegant figure is familiar at artists' and writers' parties.

However, when she is working, which is most of the time, all this changes, and distinguished visitors generally find her crawling around on her hands and knees in a pair of old, faded blue jeans. Much of her work consists of what she calls "hunting." When she goes hunting, Ylla dons a pair of slacks and a short-length coat and heads for a zoo. She simply wanders about the zoo, and when she sees an animal in an exciting pose, she takes its picture—first asking permission of the nearest keeper to enter the cage, or, if the animal is dangerous, to shoot through the bars.

This "hunting" method involves heartbreaking weeks and months in which she gets nothing usable, but it also has turned up some of her most famous photographs—such as the bear holding up his paw like a traffic cop, the coy sea elephant and the kissing giraffes.

When she has a specific assignment, Ylla spends days with the animal to be photographed, until she gets to know all his habits and personality traits. Then she photographs him in his most appealing moments. In this way, she picks up some interesting information. She knows, for instance, that the elephants in the New York zoos are dangerous to approach, whereas the Paris zoo elephants are gentle as ponies. She refers to Pete, the Bronx Zoo hippopotamus, as a "sweet old dear," but she wouldn't come within 20 feet of the Vincennes Zoo hippos. She knows that the New York panda bites, that the Paris giraffes kick, that a certain baby elephant will snatch clothing from her back, and that antelopes can break their legs running away from her.

Chimp Respects a Uniform

In Philadelphia, a chimpanzee spat dirty water at her whenever she passed his cage. She put on a keeper's uniform and the chimp stopped spitting. In Baltimore, she had to deal with a camera-shy hippo that submerged in his tank and stayed there every time she pulled out her camera. She finally figured out that he had been frightened by a host of news cameras when he first arrived in Baltimore. She switched to a smaller, less-conspicuous camera and shot in the sunlight without flash bulbs. The hippo remained above the surface.

In London, she got dramatic shots of an eagle that inexplicably hates one of the zoo porters. This poor man has never had a cross word with the eagle, yet every time he passes by, the huge bird spreads its wings and wakes up the neighborhood with its screams. The same thing happens with a hippo in Philadelphia who has a similar unreasoning hatred for a truck driver there. This hippo was placidly posing for Ylla one day when suddenly he lumbered out of his pool and charged toward the bars, roaring fearsomely. He was expressing his daily displeasure at the truck driver, but he nearly crushed Ylla to death in the process.

When the truck driver passed, the hippo returned to the pool and quietly resumed his posing.

While she is photographing an animal, Ylla constantly talks to it, addressing it by such names as "dear," "darling," and "cabbage." I watched her use this technique on a pet raccoon in the country, and it was amazing to see the half-wild animal respond to the flattery—exactly like an infant. The same thing happens in her studio, where pet owners bring their dogs and cats for $60 portraits.

Ylla considers such household pets to have the same intelligence level as one and one half- to two-year-old children—and she always manages to get their attention by using three approaches: food, sudden noise or toys. She maneuvers the pet into position with flattery and/or food. Then when she wants the animal to look up, she emits a sudden piercing yelp or meow. If this doesn't work, she drops a heavy hairbrush on the floor and, as a last resort, she asks someone to go outside and ring the doorbell—an appeal to the watchdog instinct. For really tough customers, she has a box-ful of bones, rubber mice and other toys.

Cat's Teeth Cleaned for Photo

Frequently, pet owners give Ylla more trouble than the pets. Dog breeders, for instance, ask her to touch out telltale signs of age, like white hairs around the muzzle; and one woman insisted on taking her cat to the veterinarian to have his teeth cleaned before bringing him in to pose. Advertising agencies, too, provide problems. She is frequently asked to catch animals with specific expressions on their faces to illustrate an already-set caption.

Once she got two Scotties looking up with pure hurt indignation in their eyes. The ad was for a powder designed to keep dogs away from furniture, and the photo illustrated the line, "Honest, Chief, we didn't do it!" But sometimes this doesn't work out so handily. Recently an agency wanted a photo of an angry bear to illustrate the line, "Angry as a bear." Ylla took a hundred pictures, but in every single one the bear came out laughing.

Sometimes, too, Ylla creates problems for herself. A few months ago, she lived with a squirrel named Tico-Tico to get pictures for her new children's book of the same name. The squirrel nearly drove her crazy, whirling around her apartment, eating her furniture and hiding in the pockets of her clothes. Tico-Tico was such a nuisance that he also drove to distraction all the other animals Ylla brought in to photograph with him. For instance, an African gray parrot belonging to famous milliner Mr. John, kept screaming, "Stop it! Stop it!" every time the squirrel approached.

On another occasion, Ylla had a lion in her apartment for a week—an infant cub named Dixie. Dixie slept all day, but at night he roamed the apartment attempting to roar, in a voice more reminiscent of house cat than lion. Dixie, too, nearly drove Ylla crazy. She had to feed him milk out of an eye dropper six times a day, and at night she had to arrange her fur coats in a pile to resemble Dixie's mother. He never scratched or bit, and he played gently with the dogs, cats, rabbits and children with whom she photographed him.

But Dixie and Ylla caused quite a stir in New York during that week. She bought a leash and collar from popeyed store clerks. Then she walked Dixie up Fifth Avenue and through Central Park to make photographs. Some people scattered, others just stared. She was carrying Dixie in her arms in the elevator of her apartment building when a woman reached out and chucked him under the chin. "What a cute little dog," she said. "What kind is it?"

By this time Ylla was in no mood for small talk. "That is not a dog, madam," she said. "That is a lion." The elevator emptied at the next floor.

All in all, though, the fantastic Ylla career keeps zooming steadily along. In addition to Tico-Tico, she has another American book on the market this fall entitled Dogs by Ylla, and her latest volume in Europe boasts a text by Jacques Prévert, one of France's most popular and best-known poets. Some photographers still think Ylla is crazy for devoting great talent solely to animals. But as one of her French friends points out, Prévert's books sell 100,000 copies in Europe. "She is crazy," he says, "like the fox she photographs is crazy."

THE END

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Thanks for the Memory

CONTINUED FROM PAGE 31

René Descartes, and had given Woodrow Wilson the term "selective service" for the draftees of World War I.

Here is my man, I decided, and besides it will be free.

"Dr. Horton," I said, "I'd like to ask you something."

"I can't discuss the Smith case," he warned me, "not until I complete my findings."

"It's *my* case," I said. "I want your advice."

Dr. Horton was a tall, handsome man, whose hair and complexion caused his friends to call him "Pinky." He studied me for a time, held up a hand when I began to speak of my "case," and, without permitting me a word, said, "So you think you're insane? Is that it?"

Alarmed, I replied, "Is it that obvious?"

Ignoring this question, the great psychologist put another query: "Tell me, do you get out of bed twice each night, turn on the light, then look in the mirror?"

Now I really was ready to surrender to the nearest man in a white coat. "This *is* it, Doctor. How did you know?"

The doctor viewed me with what I believed to be a kind of quiet delight. "Oh, it's a common occurrence."

I hesitated to use the words, but gulped and said, "Among the insane?"

"No," he replied. "Only sane persons do it."

"Then . . . then I'm not . . . well, not exactly . . ."

"Not insane," he replied. "What made you think so?"

"Names," I said.

The doctor squinted, as though about to reverse his diagnosis. "Names?"

"Can't remember names. It's terrible. Just can't get names right. And in my business it's important that I . . ."

He interrupted me. "But the stories? You remember what occurred in a story? What was said and done? The 'where' and 'when' and 'what' of things?"

"No trouble there," I answered him. "Except for the 'who.' It's fantastic."

Dr. Horton spent many hours with me during the Smith girl search. And then one day he announced that he had found the basic reason for my affliction. I myself had had *three* surnames by the time I was seven years old!

I had been born with the name Devlan. My parents were divorced a month before my birth. My grandmother, Mrs. Wheeler, disliked my father so much that she declined to enter me in school under the name Devlan. So I became a Wheeler. Then, when my mother remarried, my stepfather, Frank Fowler, adopted me and gave me his name.

"No wonder," Dr. Horton said, "that you are prejudiced against names."

Perhaps, as some psychologists assert, a neurosis is defeated when the sufferer learns the source of his trouble. Not so in my case. If I got a splinter while coasting down a stair rail, the knowledge of how I picked up the splinter neither would heal me nor mend my torn trousers.

I went right on getting names wrong. Whenever I write a book, I have to keep a chart with the names of the characters of the story always in front of me. I am the cause of much trouble to literary collaborators. One of them, Ben Hecht, grew angry with me and said, "Good Lord! You not only forget the names of the characters, but even what *sex* they are!"

Another writer and friend of mine, Alva Johnston, one day told me that a most forgetful acquaintance of his had taken a memory course. I begged Johnston to make inquiries as to the outcome of this case.

"I called up my friend," Johnston reported back to me one day.

"Did you ask if the memory course helped him any?"

"I did."

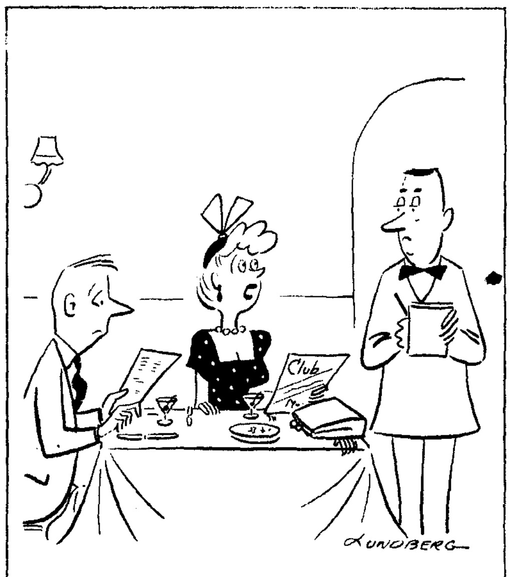
"And what did the man say?"

"He said that he *forgot* whether it did or not."

Sometimes I have been encouraged whenever other men showed a tendency to forget names, as did two great athletes, James J. Corbett, onetime champion heavyweight pugilist, and Babe Ruth, the immortal baseball player. Mr. Corbett got around his trouble, partly, by calling everyone "Doc" or "Kid." Ruth simply made no effort at all to remember names.

Ruth, however, did a very courteous thing: Whenever he met anyone, he would say right off the bat, as it were: "My name's Babe Ruth."

His face of course was known to millions of Americans, and there was little need of his introducing himself. Even I could remember Ruth's name. But it would be a wonderful circumstance if everyone followed the Babe's example of identifying himself on sight.



"I'm not very hungry. What is so expensive you get very little of it?"

COLLIER'S GUSTAV LUNDBERG

Perhaps I should not tell this, but I found a wry satisfaction from the fact that the great memory-man, John Kieran, a human encyclopedia if ever there was one, is not quite so hot on names of persons other than poets, politicians and strange birds. John used to be my neighbor on Fire Island, near New York, and when he walked down the lanes of our pleasant settlement, his children could be heard prompting their erudite father with such cues as: "That's Captain Woodhull coming this way," or, "You know this man. He's Captain Robinson."

Almost everyone on Fire Island was a captain, and perhaps Mr. Kieran might be excused for his failure to pick any one skipper out of a multitude of seafaring officers.

It was not until just recently that I chanced upon a real solution to my problem of names. If only I can get up the nerve to do what is needed, then my troubles will have vanished.

I was sitting with Arthur "Bugs" Baer in Toots Shor's restaurant in New York some weeks ago when a self-assured fellow galloped over to our table to call out, "Hello, Bugs, old boy! I bet you don't remember me?"

To which Baer replied matter-of-factly, "Why should I?" THE END

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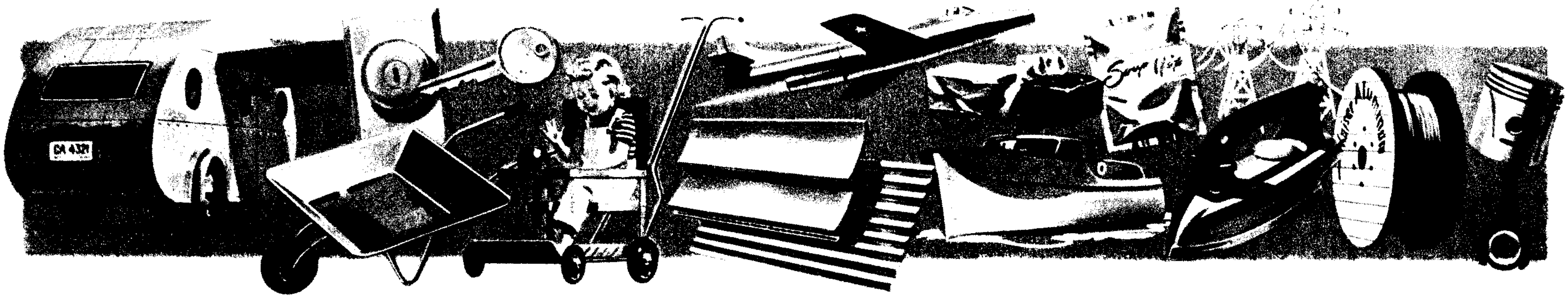

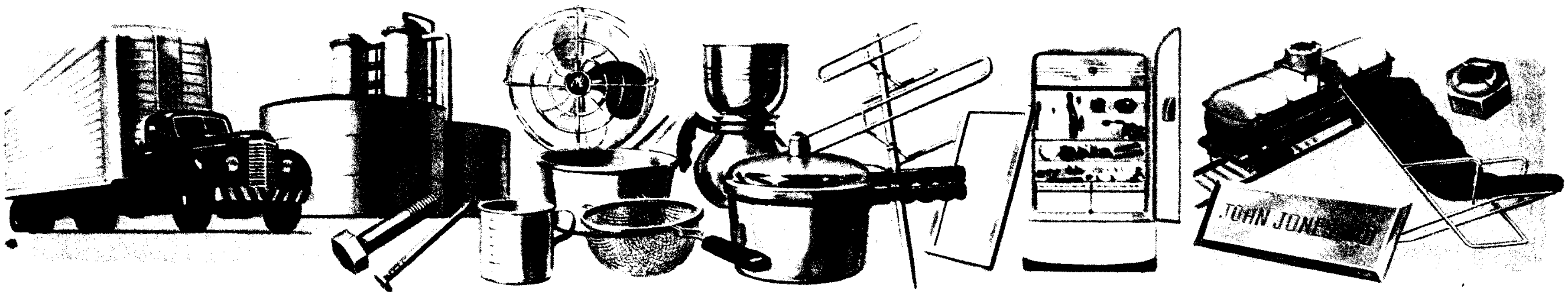

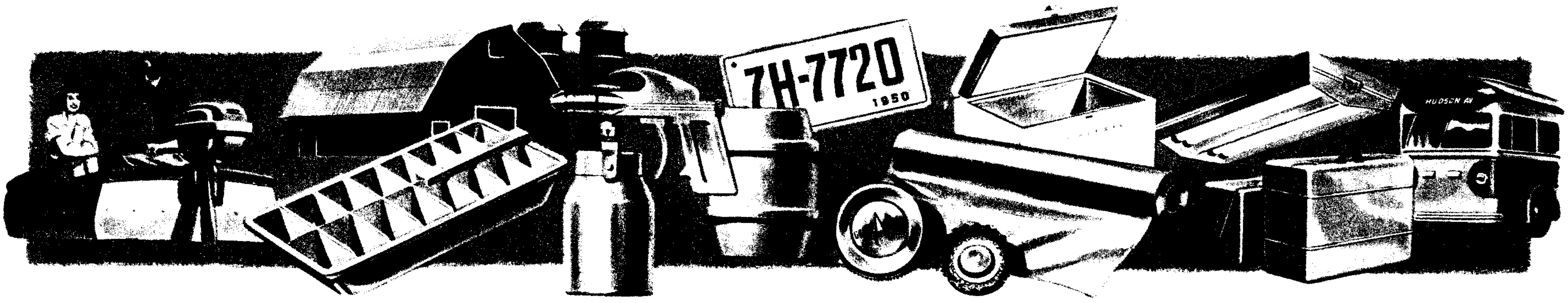

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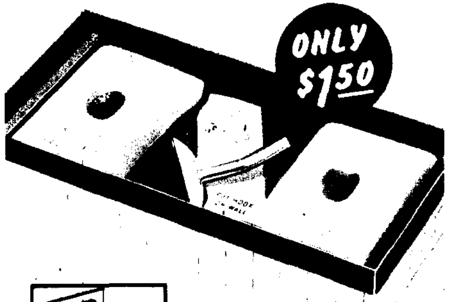

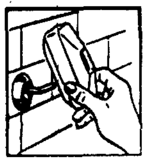

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From Our Vines—Fine Wines

CONTINUED FROM PAGE 37

tromped some into wine. It's no legend that their skipper Leif Ericson named the country Vineland. The name was used in Norse literature for hundreds of years.

Later arrivals, from Columbus on, also were impressed by the quantities of native wild grapes. But wine from them tasted different from that made of European grapes, and the fashion of sneering at the American kind soon took hold. Would-be viticulturists ignored the native grapes and imported Old World vines. Again and again the transplanted vines mysteriously withered away, but for two centuries the colonists persisted in trying to grow them. It was not until the early nineteenth century that a few venturesome souls, such as Thomas Jefferson, began making and enjoying wine from American grapes; slowly, native wine making spread through the East.

Meantime, a quite different development was going on in California. Franciscan monks had planted there a variety of European vine which came to be known as the Mission grape. It made an acceptable wine and, unlike European vines in the East, grew well all over the state.

In the 1850s it attracted the attention of a remarkable Hungarian by the name of Agoston Haraszthy, one of those fantastic, forgotten characters who flourished on the frontier. A member of the minor Magyar nobility, he had emigrated to the United States with his large family in 1840. He traveled widely, fighting Indians, becoming a cowboy, and—after settling in California in 1849—serving for a while as a sheriff. It was typical of his unconventionality that during the gold rush he ignored the mad scramble for the yellow metal. Instead he proceeded, almost singlehanded, to launch California as one of the world's chief grape-growing and wine-making regions.

To improve on the Mission grape, he toured Europe's most famous wine centers.

"California," he loftily announced on his return, "is superior in all conditions to the most favored wine-producing districts of Europe."

Lessons from a European Tour

He brought back more than 100,000 vine cuttings of 1,400 varieties; then he began to harangue farmers up and down the state into accepting the fruit of thousands of years of Old World grape-growing efforts.

For a while his cuttings flourished, and California soon was producing wine by the millions of gallons. Then, suddenly, the ailment which had destroyed European vines in the East swept through the state.

By that time, plant scientists were better able to cope with it. They traced the destruction to plant lice called Phylloxera which lived on the roots of vines. The domestic American varieties had developed roots so hardy that the damage done by the bugs seldom was fatal to them, but the European vines had never met such a scourge and easily succumbed. This discovery presented the solution to the problem: grafting European shoots onto American roots. (Eventually the Phylloxera reached Europe and the lice nearly wiped out the vineyards of France, Germany and Italy before the stubborn growers would give in and use American rootstocks. Today, most of the world's vineyards are based on American roots.)

By World War I some U.S. wines were beginning to rival the European imports. Then, in 1920, came a cruel blow—prohibition. Thousands of vineyards were plowed under or allowed to run wild, and hundreds of wineries closed. The few that remained in operation could make only medicinal or sacramental wines, wine jellies or grape juice. Some turned out so-called dealcoholized wines—wines from which the alcohol had been distilled and, under the watchful eyes of a prohibition agent, flushed down the drain.

"We had to stay alive," one maker of this odd drink has said since. "We knew that this outrageous law couldn't last long, and we didn't want to have to start all over when it went by the boards."

Only a few firms were thus prepared when the long dry spell ended with ratification of repeal in 1933. But others soon entered the field. Today, the nation has several hundred bonded wineries producing in 27 states. The great majority of them are located in California, which last year had a gross production of some 149,000,000 gallons of wine, approximately 91 per cent of the U.S. total of 164,000,000 gallons.

Nearly all wine grapes grown in California are varieties of the European species introduced by Haraszthy—and known only by the Latin name Vitis vinifera. This species provides all Europe's wines; therefore, of U.S. wines California's most closely resemble the European. On the sandy, well-drained hillsides of the Napa, Sonoma and Livermore Valleys in the San Francisco area grow such grapes as the dark Pinot Noir and cabernet and the light Semillon. From these lovingly tended vineyards and the chateaulike wineries set in their midst come many of the best Burgundy, claret and sauterne types of wine.

In California's great Central Valley, flanked by the towering, pine-covered Sierra Nevadas, vast seas of vineyards stretch for miles. There and around Los Angeles to the south are grown chiefly the grapes which produce sherry, port, Tokay and muscatel—sweet wines to which many Americans are partial.

Most grapes grown in this country outside California are of native species such as Vitis labrusca. They too are gaining an honorable place in wine making.

New York State, second to California in wine production, last year turned out over 7,000,000 gallons. A little more than half a million gallons were sparkling wines, the New York wine makers' specialty, representing about half the nation's output of this type. The chief area of production is along the magnificent, rolling hillsides of the famed Finger Lakes Keuka and Canandaigua—sometimes called "America's Champagne District" though it also produces many other types of wine.

New Jersey, Michigan, Illinois, Missouri, Washington State and Ohio are among the other top producers, and there are dozens of slowly growing and improving wine-making areas in Virginia, Maryland, North Carolina, Oregon, Arkansas and elsewhere. One of the late President Roosevelt's favorite projects was persuading his Warm Springs, Georgia, neighbors to try growing wine grapes, as a means of soil conservation in the rapidly eroding state.

He was so persuasive that by last year Georgia was making nearly 400,000 gallons of native wines, and the terracing of the vineyards had effectively checked erosion in large areas.

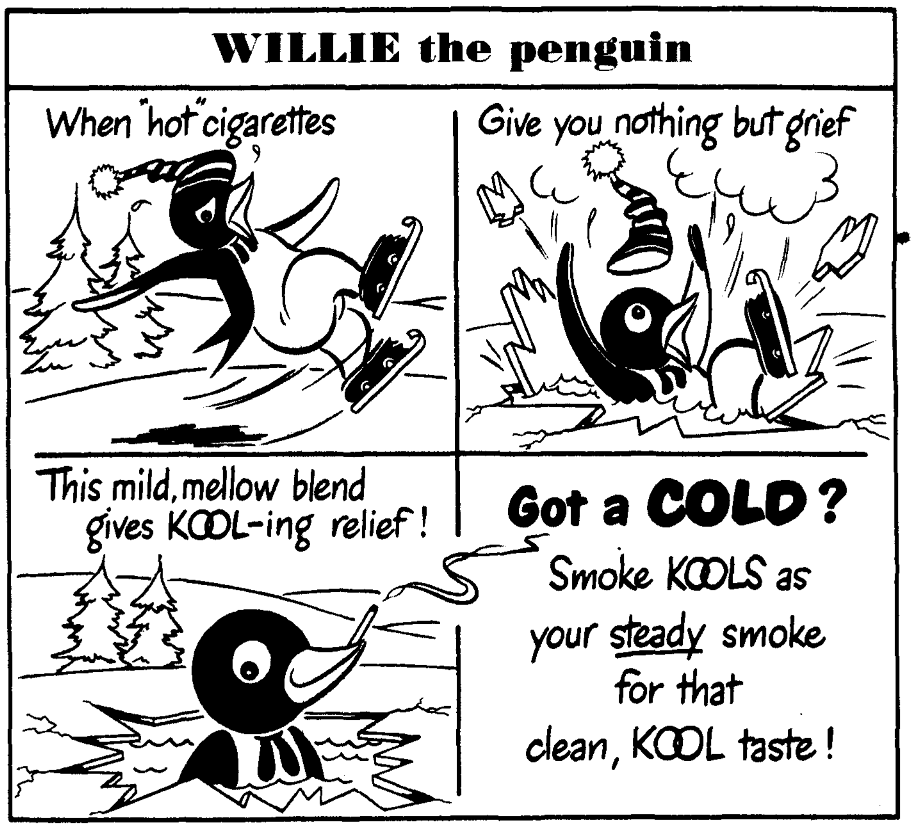
Grapes Do Most of the Work

So simple is the basic wine-producing process that the more pedantic wine men insist on calling their business not wine making, but wine growing. Essentially, all you have to do is grow grapes, separate them from their stems, crush them and leave them in a closed container. Usually, the juice will turn to wine of sorts all by itself.

Until 100 years ago this process seemed inexplicable and often was attributed to divine intervention. Louis Pasteur, the great French bacteriologist, disillusioned the wine makers on this score and gave them something a little more palpable to work with. He traced the fermentation which changed grape juice into wine to tiny spores of yeast which settle on the grape skin as it ripens and go to work as soon as the juice begins to flow, breaking down each molecule of grape sugar into one molecule of carbon dioxide and one of alcohol.

In making large amounts of wine, of course, the process becomes more complicated. Even the harvesting of grapes in big vineyards is a tricky problem, since the clusters don't ripen simultaneously and must be clipped off the vine without damage to it. Arriving at the winery, the individual grapes—or berries, as the wine men call them—are separated from their stems by machine. Then the process begins to vary according to the kind of wines being made. U.S. wine makers like to break them down into five basic types: white table wines, red table wines, appetizer wines, sweet dessert wines and sparkling wines. The variations within each group are determined chiefly by the varieties of grape used.

The main difference between the first two is that in the white wines the juice is pressed out and fermented alone, while in the red the skins and the juice are left together dur-



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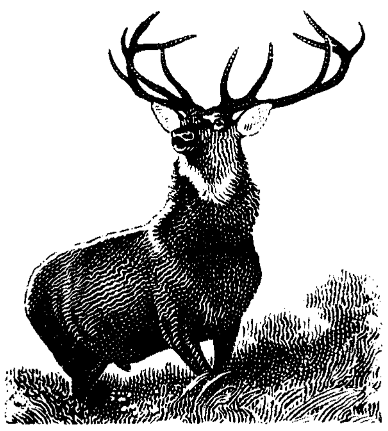

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ing fermentation. This is how the red gets its color, since the juice of even black-skinned grapes seldom is darker than a pale yellow. It takes either artificial heat or that created by fermentation to dissolve the color of the skins into the juice. In making pink wines, the skins and juice are fermented together for shorter periods than in the case of the red.

When fermentation ends, the wine goes into storage casks to age for periods ranging from a few months to several years, depending on type and quality. The looming forms of the great casks, often 15 to 18 feet high and 10 to 12 feet in diameter, turn the aging rooms into fantastic, echoing caverns out of The Arabian Nights. Endless conveyer belts for moving bottles thread silently through the narrow aisles and add to the eerie effect.

During aging, chemical processes as yet poorly understood go on in the wine, forming compounds which give flavor and "bouquet." Finally, filtering removes as much as possible of the sediment, and the wine then goes into bottles.

Incidentally, age in itself is not necessarily an indication of excellence in wine. Many white wines are at their best in their first year or two, and few red ones continue to improve for more than a few years. Nor, in this country, is the harvest year of the grapes of much moment. In Europe, the vintage year is important because weather conditions may differ widely from one year to the next, giving the grapes a variable quality. But in California the equable climate makes the grapes much the same in one year as another.

Most table wines are dry, which means simply not sweet. They get that way when the yeast is allowed to convert nearly all the grape sugar into alcohol and carbon dioxide. (The gas escapes, and the alcohol, usually about 12 per cent by volume, remains to preserve the wine.) Wine makers have trouble getting across the idea of dryness because many people seem to think that if a liquid isn't sweet it must be either sour or bitter. This irritates the wine men, but in calmer moments they admit that it usually takes a little experience to develop a taste for dry wines.

One of them likes to tell of a stratagem, discovered by a convert of his, for introducing people to dry wine. The convert was a business-machine serviceman who called at the office once a month. To see how long it would take him to learn to like dry wine, the wine man presented him with a bottle of his driest after each call. It was several months before the serviceman showed much interest, but then he quickly became an enthusiast. At that point the convert in turn came up against the prejudice. None of his friends would join him in his enthusiasm. But one day he showed up at the winery wreathed in smiles.

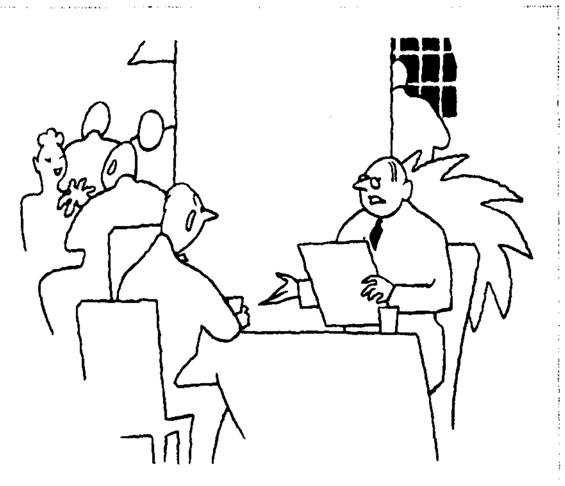
"Well, sir," he chortled, "I've found out how to get people started on good wines. I put an olive in the bottom of the glass and they think it's some kind of cocktail."

There are a few exceptions to the general dryness of table wines, chief among which is sweet sauterne. Its discovery was one of the delightful accidents which stud the history of wine.

The owner of a great white-wine vineyard in the French parish of Sauternes, near Bordeaux, was away on a long hunting trip one fall when an unexpected spell of hot, dry weather ripened his grapes two weeks before their usual time. Because he was a tyrannical perfectionist about wine making, his hired help didn't dare start the harvest before he returned. As a result, when he finally got back, the grapes were overripe, beginning to shrivel and covered with mold.

To save what he could, he ordered the harvest and wine making to go ahead. The result has been the delight of millions of wine drinkers. For the overripe grapes produced a new kind of wine—lusciously sweet because much of the water had evaporated from the grapes on the vine, causing such a high concentration of grape sugar that the yeast could not make complete conversion. The mold, which has come to be known as *pourriture noble,* or "noble rot," imparted a rich flavor.

Appetizer wines (such as sherry and vermouth) and sweet dessert wines (such as port and muscatel) go through much the same process as red table wines up to the mid-point in fermentation. At that point the wine makers add high-proof brandy (it must, by law, be pure grape brandy—that is, distilled wine) in sufficient amount to raise the alcohol content to about 20 per cent. This amount of alcohol throttles the yeast and ends fermentation, leaving predetermined amounts of sugar in the wine.



"It's one thing, my boy, to marry for home cooking—and quite another thing to have to eat it"

COLLIER'S GARDNER REA

After addition of brandy, the dessert wines go into the aging casks or bottles, but the appetizer wines get further processing. Sherry—which ranges from almost completely dry to quite sweet, depending on the point at which the brandy is added—usually is either baked at 100 degrees or more for several months, or weathered in casks left in the open for several years. During this treatment, some of the remaining grape sugar caramelizes and gives the wine a nutlike flavor. Vermouth, also either sweet or dry, is made by adding herbs and spices to the brandied wine.

Sparkling wines, the fifth and last type—chiefly champagne and sparkling Burgundy—go through the same processes as dry table wines until they have aged for several months. But at that point there is something new added.

The Legend of Don Perignon

According to legend, it was a seventeenth-century Benedictine monk, Don Perignon, who discovered how to make that addition. In charge of wine making at a large abbey in the French province of Champagne, he liked to experiment and on one occasion tried bottling a wine before the fermentation was complete. In time the corks began popping, and the wine foamed up after them. Don Perignon was chagrined, but he tried a taste of the sparkling beverage. The story is that he immediately rushed to the monastery's main hall. "Brothers," he called, "come quickly. I'm drinking stars."

Nowadays the champagne makers produce the sparkle by deliberately starting a second fermentation in the wine after bottling it. To accomplish this they add a small amount of sugar and a special yeast culture to each bottle at the time of bottling. (It also can be done by refermenting the wine in large tanks and bottling under

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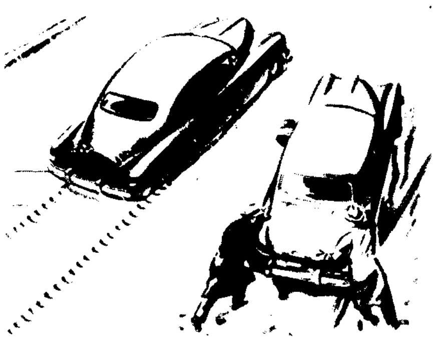

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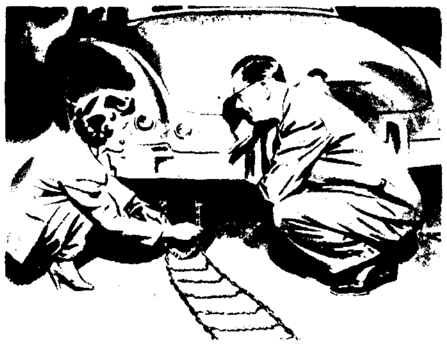

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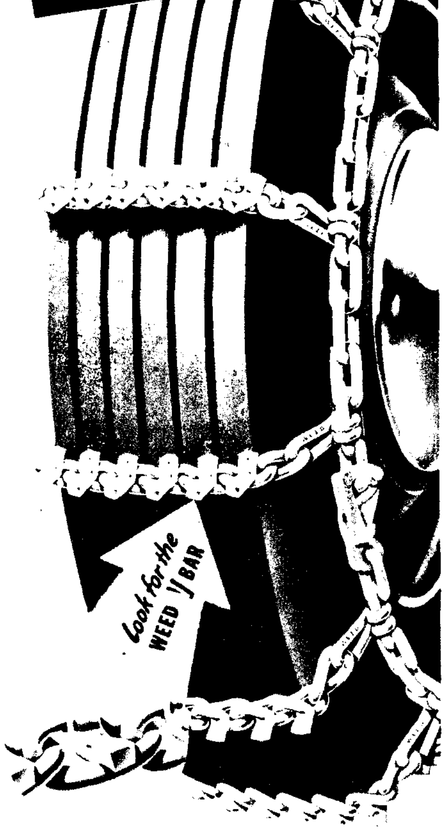

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pressure, or simply by carbonating the wine—if the fact that one of these processes is used is stated on the label.)

During fermentation in the bottle the cork is held tightly in place by a strong steel clamp, or agraffe, so that none of the carbon dioxide can escape, and the gas permeates every drop of the wine. With the bottles stacked horizontally, this process goes on for several months. Then the bottles are placed on wooden racks which hold them neck down so that the sediment will settle toward the cork. Every day for several more months an expert known as a "shaker" gives each bottle a brief shake and twist to urge the sediment downward.

When all the sediment has settled, the necks of the bottles are frozen and the agraffe released. The pressure forces the cork out, carrying the frozen sediment with it. Immediately, a dash of sweet sirup is added, along with enough aged wine to replace that lost in the "disgorging" process. After the bottle is recorked and the cork wired on, the wine ages for periods of up to several years, so that the new additions can smoothly blend with, or "marry," the champagne. Sparkling Burgundy and the other sparkling wines go through much the same processes.

Champagne men like to call their product the universal wine, meaning that it goes well with almost any food. There are those who dispute this, but then you can get an argument on almost any statement concerning wine. In fact, few subjects stir up more complicated conversation, much of it exceedingly precious.

"You'll find this," a gourmet may say of a light white wine, "charmingly pellucid, although a trifle angular at the extremities."

This is enough to make most people view a bottle of the stuff with distinct suspicion. Many U.S. wine makers think that such talk—along with the insistence that certain wines are correct only with certain foods and that it is necessary to have a different kind of glass for each kind of wine—goes far to explain why the drink favored by most of the rest of the world for thousands of years has been so slow in achieving popularity here.

"That sort of thing not only scares away millions of people, but it's also bad logic," one of them says. "What kind of wine you drink where, when and how is strictly a matter of taste. There is no expert on such matters. Every man has to judge for himself."

Having forsworn telling anyone how to drink wine, wine men still like to make suggestions which they think most people will agree with after a little experience in wine drinking. One of their chief points is that wine should be considered principally as a food beverage to be drunk with meals. Indeed, although the law won't allow vintners to say so in their advertising, wine is a highly nutritious food. Besides a good supply of vitamin-B complex, it provides a great deal of iron and some of nearly all the other essential mineral elements.

Wine makers are more tentative in suggesting what kinds of wine you may enjoy with various foods. They are fairly definite, however, in recommending sherry, with its pungent fragrance and hazelnut aftertaste, and vermouth, with its aroma of the spice cupboard, as before-dinner wines. But sherry also goes well with lightly flavored, clear soup. They even more strongly suggest the heavy, sweet dessert wines either for the purpose for which they are named, or for sipping during a conversational evening. Some say that mellow, luscious port, chief among these wines, is destined from the grape to mate with after-dinner cheese.

Recommendations on the table wines become more complicated. Even the naming of the wines varies widely. Many U.S. vintners still use the old, familiar European names, such as Burgundy, claret, sauterne and Rhine, to distinguish the chief different types of table wines. But wine enthusiasts deplore this practice.

They argue that it puts American wines at a disadvantage by implying that they are attempting to be the same as the European rivals for which they are named. This, say the enthusiasts, is impossible. For although the Europeans produce enormous quantities of wines which sell at a few cents per bottle and which fall below the American average in quality, they also make the "great vintages" which are triumphs of wine-making skill. Into each of these unique wines go centuries of experience in vineyard culture and winery operations and, most important, special qualities of soil and climate which cannot be duplicated elsewhere.

Nowadays many U.S. wine men, although they often use the European name to give consumers a clue, describe their wine more clearly by labeling it with the name of the variety of grape from which it is either mostly or wholly made. Pinot Noir, for instance, makes California's richest, most mouth-filling, dark red dry wine of the Burgundy type. The makers suggest that its vivid, velvety flavor will please most people best when it accompanies equally strong flavored meats, such as roast beef and roast duck.

California's claret types, such as cabernet and zinfandel, are a lighter red and not so rich as Pinot Noir. Some of the more fanciful connoisseurs apply phrases like "elegantly suave" to the cabernet because of its smooth, subtle, lingering taste. Good zinfandel has a sort of zestful, fruity flavor. These wines go well with a meat like lamb because they match but don't drown out its flavor.

Many Eastern red wine grapes produce still lighter, paler, more delicately flavored wines. One of the chief varieties among them is the Isabella, which first attained fame for its wine in the back yards of Brooklyn more than 100 years ago. Its taste, if your palate happens to run to such comparisons, will remind you of the smell of the woods on a crisp, clear fall afternoon.

JOHN FLOREA

John R. Deane, president of Italian Swiss Colony and a former Army general, heads Wine Institute

Like the red ones, white table wines also range from rich and fragrant to delicate and subtle, with the difference that the richer ones are mostly sweet. Of the latter sauterne type, two chief California varieties are the almost-perfumed Semillon and the spicy Sauvignon Blanc. Eastern sweet Catawba and Niagara belong in this class, too, though they have distinctly different, warm, summery flavors. Such wines go well with main dishes of chicken or fish, or those which include rich sauces, or with dessert.

Lightest and freshest of all table wines are the Rhine types. Some are so bright and clear that they seem to fill your mouth with a champagnelike effervescence. For instance, California's Sylvaner—which like other white table wines usually is served chilled—leaves a clean, frosty aftertaste.

More Eastern grape varieties go into this type of wine than into any other. One of the most favored is the Delaware, which makes a soft, light, pale-gold wine with a flowery aroma which fully justifies the term "bouquet." Others range from the bone-dry and rare Vergennes—so evanescent in flavor that you never can be sure you have captured all the taste of it—and mildly tart Dutchess, through the progressively more full-flavored Diana, Iona and Moore's Diamond, to rich, heavy Elvira. All are recommended to accompany light main courses such as chicken and fish.

But today even the most knowledgeable of wine drinkers seldom follow these recommendations in detail, and many openly flout them. In fact, the proprietor of New York's Colony Restaurant, where wine protocol gets loving attention, reports with wistful regret that many of his best customers drink only one favorite wine no matter what food they are eating. The Duke of Windsor sticks almost exclusively to a Rhine type. Mary Pickford wants champagne before, with and after dinner. Ray Milland will have only a mild, mellow claret.

"There is even," says the Colony man, blanching at the memory, "a woman who puts wine in her coffee."

One of the most particular wine drinkers, according to the wine stewards of several restaurants, is former heavyweight boxing champion Gene Tunney. He has been known to carry his own wine to restaurants whose wine lists he distrusted. But he also violates, when he feels like it, one of the cardinal tenets of gourmet faith—namely, that wine and water must never be mixed. One of his favorite summer drinks is the mixture of Rhine wine and carbonated water known as a spritzer.

Whatever wine you choose, in whatever combination, say the wine men, you'll probably find that it gives you a new approach to eating. Once you get to know and appreciate a wine it's difficult not to linger over the taste. In nearly all wines the flavor is so complex that it is impossible to enjoy it fully without taking a little time.

And that, of course, means relaxing and taking more time over your meals—which, as your stomach can tell you, is a wonderful idea.

THE END

Knowing what types of wine to serve and when helps you be a more perfect host. As a public service, Collier's has arranged to provide its readers with a free Wine Chart. Simply send your request—a penny postcard will do the trick—to Collier's, Dept. W-17, 640 Fifth Ave., New York 19, N. Y.

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Maryland's Busiest Byrd

CONTINUED FROM PAGE 33

persuasive activities as advance man at Annapolis. Now there are more than 80 structures, mostly of handsome brick colonial design and running the gamut from horticultural greenhouses to veterans' family units and a supersonic wind tunnel.

All this is valued at more than $28,300,000, including the schools of medicine, dentistry, pharmacy, nursing and law, plus a full-scale hospial and assorted clinics in Baltimore. Furthermore, Byrd currently has building projects going that, when completed, will add up to almost $8,700,000, and he has asked the Assembly to approve still another $14,000,000 worth of plans. Among the latter would be a $1,500,000 airfield with a runway long enough to accommodate a B-36 bomber.

Enrollment has soared to 13,046 for the academic year at College Park—and more than 28,000, counting the students at Baltimore, the summer schools at both campuses, special courses for adult groups, some 3,600 in extension courses the university is running for the armed forces in Germany, and a few hundred in the Negro college that Byrd operates for the state at Princess Anne, Maryland.

Farmers, Housewives Benefit

Curley's political hold on the state lies in his expansion of the old system whereby the university runs the State Board of Agriculture, along with its myriad county agents and assorted services. When he became president of the university, he exploited this potential political asset to the hilt, giving farmers and housewives some excellent benefits in the bargain. The university's board of regents doubles as the State Board of Agriculture, and Curley, as executive officer of the board, has vast powers. He even signs the quarantine orders when there is an outbreak of rabies.

Byrd's home-extension service makes experienced politicians drool with envy. The agricultural budget is part of the university budget, and county agents, in effect, are hired, paid and fired by Byrd. Housewives have been organized into Homemakers' Clubs in every county of the state. It is no exaggeration to say that there is practically nothing relevant to the business of running a farm or home that Curley's agents won't do for the taxpayers.

For example, one cold, rainy evening recently an instructor for the Homemakers' Club in a rural county received a call from a farm wife. "Those slip covers you showed me how to make don't fit," she complained. It was late, but the instructor pulled on her coat and galoshes and drove out to investigate. She found that the woman had cut out one piece of the pattern backward. The instructor did skillful surgery and left the slip cover in good condition. Another friend for old U of M had been made.

The stories are legion about Curley's prowess as a money getter—in fact, as an ex-newspaperman with an eye for anecdotes, he tells most of them on himself. One of Byrd's favorite stories about Byrd involves the time he needed a certain maintenance fund of $1,100,000. That year he was feuding with the chairman of both the Ways and Means and the Finance Committees of the legislature, and these powerful gentlemen lined up their groups, or thought they did, to turn Curley away with a piddling $600,000. "There's no more money available in the treasury," they told him.

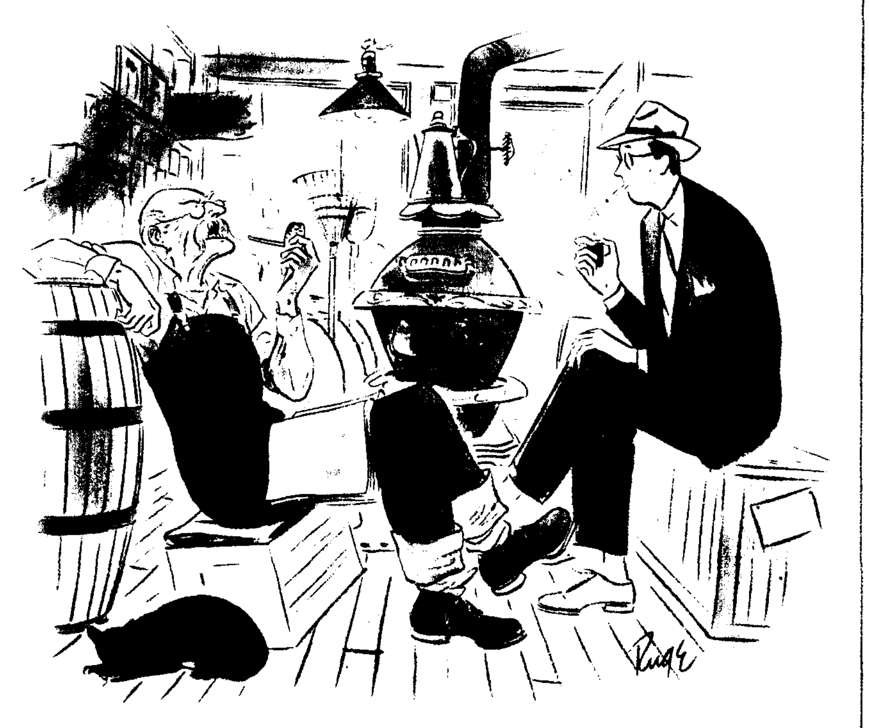
This was a tactical error. "If the money isn't available, gentlemen, naturally you can't provide it," Byrd acquiesced with deceptive docility. "If you did have it, of course you'd be happy to vote for it for such a necessary purpose, wouldn't you?"

"Of course!" the committee echoed in relief.

Next day Curley was back. "Gentlemen," he said in a manner reminiscent of the prosecuting attorney who has just discovered the witness who knows where the body is buried, "you told me yesterday that if unallocated money were to turn up, you'd be glad to vote the full amount. Well, I've been checking over some figures and I know you'll be happy to learn that state receipts from wine and whisky taxes have exceeded the estimate by more than half a million dollars."

He got the money. This sort of thing, as the legislators were to learn time and time again, is no trick for him at all. He keeps his economics professors busy studying state finances.

Sometimes Curley, who dislikes being called a politician, pulls what appears to be a political bobble, but he usually manages to straighten himself out. For instance, in the days of his profitable love affair with the White House during the halcyon era of



"No real reason why I *shouldn't* be quite a philosopher, son. I *taught* it for twenty-three years at N.Y.U."

COLLIER'S JOHN RUGE

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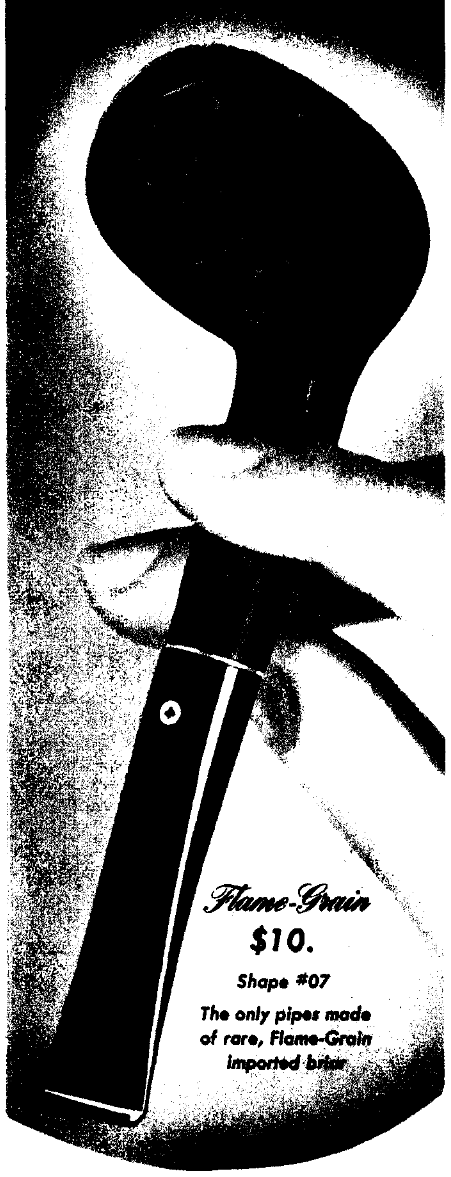

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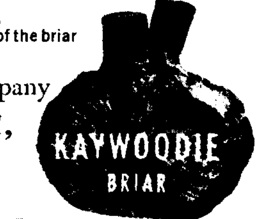
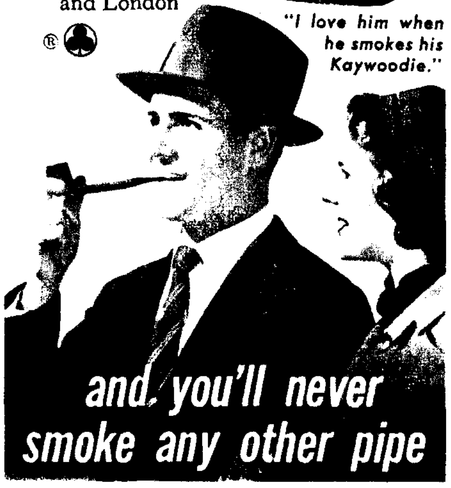



"I love him when he smokes his Kaywoodie."
and you'll never smoke any other pipe

WPA and PWA funds, he found it necessary to turn on his old friend, U.S. Senator Millard Tydings, whom F.D.R. was attempting to purge. Even though Tydings, as a State Assemblyman, had introduced the bill in 1920 that merged the old and independent University of Maryland's professional schools in Baltimore with the rising cow college in College Park, Byrd campaigned against him—and lost. Now, however, as further proof of the success of the Byrd lick-join-or-seduce-'em technique, Tydings is a member of Byrd's board of regents and a trusted friend.

The object of all these mixed emotions is a vigorous, sixty-one-year-old extrovert, who looks a good 10 years younger than his age and has more bounce than the average desk-bound executive of, say forty-five. Divorced in 1934, he has four grown children and five grandchildren. "Four of 'em are boys and are going to be football players," Curley booms proudly of the grandchildren, two of whom are not yet out of the nursery.

Curley's once-blond hair now is a mass of tight, silvery ringlets, as thick as in his youth, and his waistline is firm and unswollen, which is rather amazing considering the fact that he never exercises any more, except in legislative lobbies. He doesn't smoke. He does not, in his own words, "drink enough whisky in five years to get a mouse drunk."

He works in a tiny, cluttered office which contains an unpretentious, heel-scarred desk, usually buried under a pile of U of M future building project blueprints, and some simple, open bookshelves of cheap pine, loaded with tomes that range from The Washington Papers to paper-backed whodunits. Formal interviews with President Byrd, however, are conducted in an adjoining spacious, red-carpeted and wood-paneled reception room with a virginally unlived-in appearance.

The early Byrd was a native of Crisfield, the lively fish and crab center on Maryland's eastern shore. Clifton, as he was known to his family—the nickname "Curley" came much later, with college athletics—was the oldest of seven children, of whom five survived. The Byrds lived just outside of Crisfield in a section known to the town boys as "down the neck." Anybody from that region was *ipso facto* a "necker," and this term, when spoken by the townies with a certain inflection, was the signal for a battle royal. Clifton, though an aggressive youngster, was handicapped in his earliest scraps by the fact that until he was almost nine years old he wore golden curls down to his shoulders, a natural handhold for his enemies.

Good Results of a Haircut

One towny in particular was especially adept at getting a two-fisted grip on Clifton's coiffure and dragging him around the landscape. Finally, Clifton talked his mother into giving him a haircut, after which he promptly went out looking for his enemy. "He didn't recognize me without my hair," Byrd relates. "Boy, you should have seen his face when he realized who I was! I just everlastingly cleaned up with him—never had more fun in my life."

After graduating from the local high school in 1905, he enrolled in the engineering course then being offered by the anemic Maryland "Aggie" College. There Curley won his letter in football, baseball, basketball and track and even made the lacrosse team.

He took his athletics so seriously that, when he went home for his first spring vacation, he rose early the first morning, donned a pair of spiked shoes and short purple track pants and went jogging down a country road to keep in trim. The mother of a neighboring teen-age damsel saw him and called the local constabulary to demand that that Byrd boy be arrested for indecent exposure and impairing the morals of a minor. His father, however, squared it with the law by promising that Curley thereafter would do his exercising in long pants.

After getting his engineering degree from Maryland in 1908 on a hurried-up schedule of three years, Curley became what sports writers of that day used to call a "football tramp." That fall he attended George Washington University, Washington, D.C., for law and football; and the following year, the scene of his legal and football activities was Georgetown University, also in Washington. Next year he turned up with still another "athletic scholarship," this one for track and baseball, at Western Maryland College at Westminster. In between his college athletic activities, Curley played professional baseball around the state and even boxed for a while as a professional welterweight in Baltimore.

Falling in with professional baseball players and liking both their company and their pay, the twenty-one-year-old Byrd decided to forsake his legal studies for the diamond. He was signed up by the San Francisco Seals, in which Tex Rickard, the sports promoter, owned a part interest. The pay was $300 a month, a sum viewed with awe by the dollar-conscious Curley.

The job, however, gave him something more than the temporary high pay, for it brought him in contact with Rickard, a circumstance which proved to be the turning point in Byrd's career. It was the tough-minded, flashy promoter who recognized the potentialities in the impressionable young athlete and, oddly enough, diverted him from the world of arnica and muscle to the world of higher learning and finance.

"Tex called me in one day—he talked out of the side of his mouth and used atrocious English—and said, 'Youse is a fool!' " Byrd relates. "I asked, 'What do you mean?' 'Get wise to yourself and quit dis racket,' Tex said. He went on to tell me that I'd be a bum in 10 years—or less—if I stayed in it; that if I had any brains I'd go back East and use my education to get started on something solid. The Seals had sold me to the Chicago White Sox, but I got out of my contract without ever joining them and went back home in search of a career."

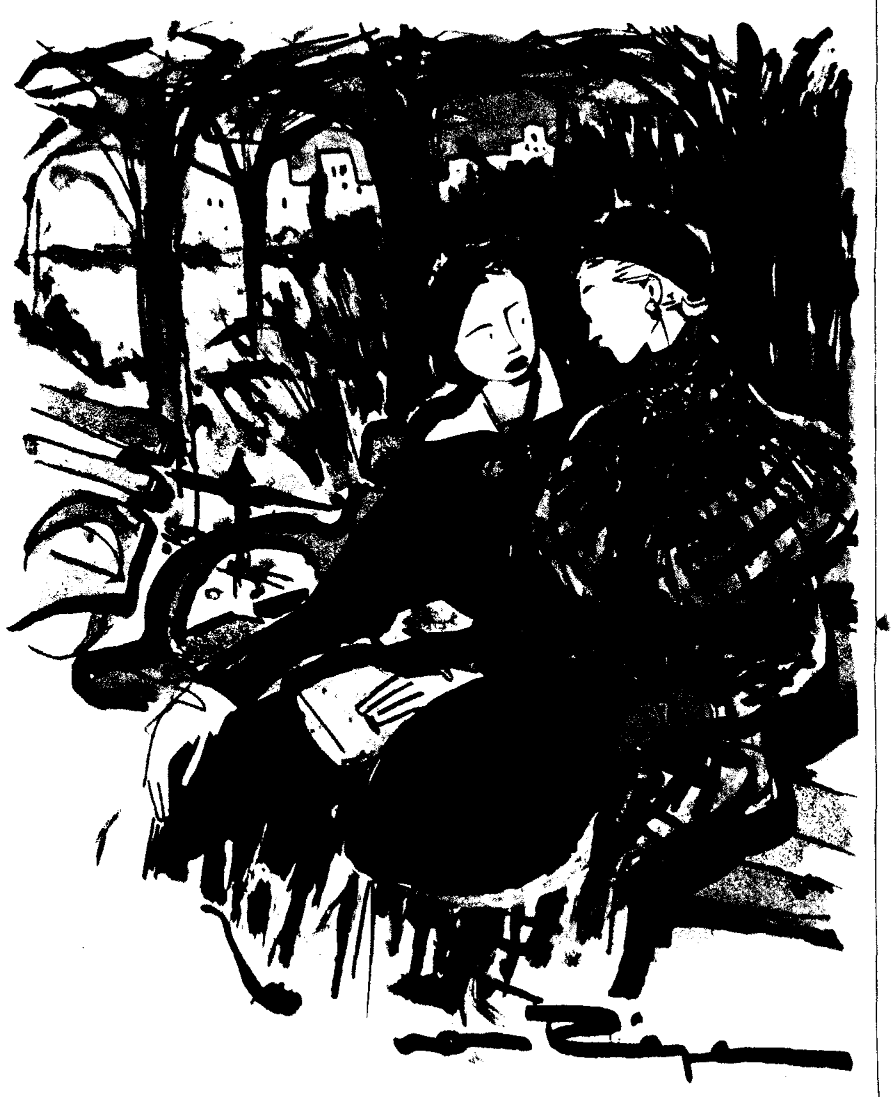
His first connection was an unpromising post as supervisor of athletics—salary, $60 a month—at a District of Columbia playground. However, the energetic and ingenious Byrd was too good a man to remain submerged in such unexciting activities. He picked up a part-time job writing sports for the dignified Washington Star, where he became a sort of legend around the newspaper office.

A Job of Flowery Journalese

The classic about Curley as a sports writer concerns the time he was assigned to cover the football game between one of his many old alma maters, Georgetown, and the Carlisle Indians. As football contests go, it was an ordinary game, but Curley batted out a glowing masterpiece that ran to five columns of print. It described, with no fewer than six adjectives to each sentence, the drama, the pageantry, the excitement of the game, and even the crispness of the fall air.

Next Monday morning, Curley was summoned to the office of managing editor Rudolph Kauffmann. "Fine piece you wrote, Curley," Kauffmann said. "Thank you, sir," said Curley. "Very colorful writing," said Kauffmann. "Thank you!" Curley said again, making a mental note to brace the boss soon for a raise. "Don't you think, however," said Kauffmann, suddenly letting the sarcasm sizzle into his voice like the steam from an overheated radiator, "that in five whole columns of flapdoodle you might have found room for just one little line telling who won." Curley had forgotten to give the score.

That same fall, Curley, who had dropped his playground job to become coach of a



"I wouldn't mind if I lost him to another woman, but I don't like the idea of him being smart enough to get away from me all by himself!"

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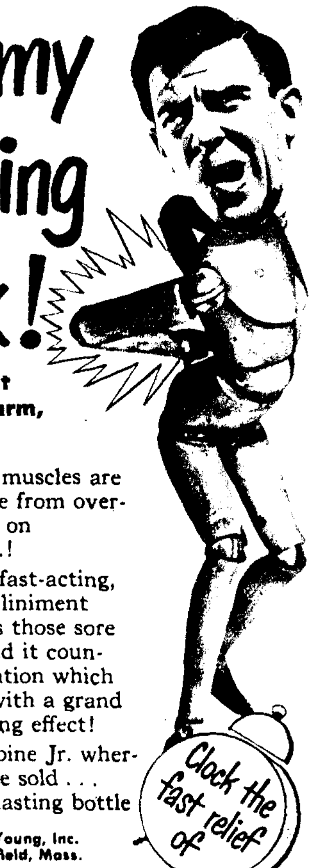
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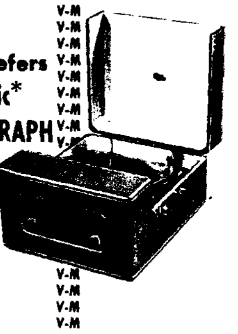

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Washington high-school team, cast an opportunistic eye on the plight of his old alma mater at College Park. The Maryland football team was having the blackest year of its entire undistinguished history. Everybody was beating the Aggies, even a couple of high-school teams. The big game with Western Maryland, which had a team called the Terrors, was coming up. Alumnus Byrd arranged to take his husky high-school boys out to College Park for scrimmage with the Aggies. He did such an energetic job of coaching that the underdog Aggies beat the Terrors.

Next year, Curley was put on the payroll. "I was hired as an English instructor," he says, laughing, "but my qualifications consisted mainly of being a darned good football coach." (He is now Dr. Byrd because neighboring colleges have conferred honorary degrees on him.)

Putting His Talents to Work

From that time on, Curley's career began expanding like an atomic chain reaction. He did a spectacular job with the football team, but President Patterson soon realized that in his new football coach and English teacher he had picked up a man with a flair for practically everything. Soon newspaperman Byrd was giving the president canny advice on public relations matters, and was appearing with the president in meetings with stockholders of the still privately owned university to explain smoothly why there weren't any dividends.

It was Curley who was the principal architect—or, at least, the construction foreman—of the move in 1914 to get the state of Maryland to take over control of the college. In 1920—two years after President Albert F. Woods, who had succeeded Patterson, had named him assistant to the president—Curley lobbied for the bill merging the College Park institution with the old University of Maryland in Baltimore, whose name the rejuvenated cow college promptly annexed.

In 1925, Curley became an object of political awe by wheedling an unprecedented $8,289,923 appropriation out of the Assembly and then successfully working behind the scenes to get the Assembly to override Governor Ritchie's irate veto. Curley even squabbled in public with the governor, who had called on the assembly to dissolve the financial Frankenstein's monster that he feared the university was becoming. But, characteristically, Curley won the governor over a few weeks after the fight and the two men remained good friends as long as Ritchie lived. Byrd even named the university's new field house—Ritchie Coliseum—after the governor.

From 1926 through 1935, Curley continued to function as assistant to still another president, Dr. Raymond Pearson. All the while, he was doing all right for himself. In addition to his university duties, he had acquired large interests in three highly profitable corporations: Prince Georges Bank and Trust Company, the College Park Corporation, a real-estate company dealing in property adjacent to the campus, and the American Publishing Company, which printed football programs. He also hung on to his sports-writing post on the Star.

In 1935, three years after the board of regents had created the unprecedented post of vice-president for Byrd, President Pearson, increasingly submerged by his dynamic assistant's activities, resigned. Curley says he "tried to help" Pearson but that the resignation was requested by the board. First, Byrd was appointed acting president. Then, in January, 1936, the board gave the full title of president to Tex Rickard's former protégé.

Though a few other college presidents have put in part-time service with the football team—Woodrow Wilson, for one, coached the Princeton team briefly before he moved up—Curley, so far as is known, is the only bona fide coach who ever rose to the presidency of a major university via the 50-yard line. It was not until he became president, incidentally, that Curley relinquished what he describes as "unofficial" supervision of the football team and other athletics in Maryland.

Some sports writers say that the old coach never really has taken his hand off the football team.

Byrd does not deny that he achieved a much-desired ambition when he became president, but he also insists that "it came about two years too soon. When I became president," he says, "I resigned from all my business interests—the bank, the real-estate company and the publishing corporation—as I wanted to forestall any criticism. In another couple of years, I would have been worth $1,000,000 to $1,500,000 and could have afforded the job as president." He also resigned, finally, as sports columnist for the Star.

If the university had raced with Byrd as back-seat driver, it became a veritable hot rod once he got his hands squarely on the wheel. The first year he went to the legislature with a request for a $1,362,501 appropriation, nearly double what had been asked for the previous year.

This was but a harbinger of things to come. The appropriation for 1950, for instance, was $5,711,585, voted by the legislature toward a total operating budget of $14,688,050. The balance of the operating expenses, nearly $9,000,000, is obtained largely through student tuitions and profits from the athletic program.

The only thing about which Curley apparently has been conservative in a financial way is himself. "His lack of interest in his own personal finances is simply distressing," says Mrs. Sarah Whitehurst, chairman of the board of regents' budget committee. "In 1947 we tried to raise his salary from $15,000 to $25,000 a year and give him a fixed expense account of $2,500. He let us raise him only to $20,000, because that was about proportionate to general salary increases for the faculty, and he refused the expense account."

The way it was left was that he should be reimbursed only for actual detailed expenses on university business. Byrd says he turned down the expense account "because no one else had one like it." He says, "I refuse to accept any special privileges around here. They wanted to build me a president's house but I wouldn't let them do it—though someday I am going to let them build one for my successor. I won't even take a reserved parking place—I just park wherever I can."

Plans for a Colossal Dinner

Some prominent Baltimore citizens recently learned a rueful lesson in the Byrd aversion to ceremony when they initiated plans to honor him with a $50,000 testimonial dinner December 8th. Baltimore's Fifth Regiment Armory—the largest building in Maryland—had been hired for the event, and the Baltimore Symphony Orchestra was engaged to liven up the party. Top Hollywood entertainment was on the agenda.

Plates were set at $10 apiece. And for an extra wallop, sponsors had incorporated the dinner at $1 a share—and shares were selling like the hottest thing on Wall Street.

At this point, says Curley, it became too much for him. With 1,000 reservations out of an expected 4,000 already placed, word was passed down to cancel the entire affair. The word came from Byrd.

"This thing looks like a Roman feast," he told the sponsors. "I appreciate your efforts, but I'm not the kind of guy who wants $50,000 spent on him." Instead, he suggested, they put their administrative talents to raising a scholarship fund for U of M students. Details of the campaign are now being worked out.

Citizens of Curley's home town met with greater success when they staged a "Curley Byrd Day" last October 6th in observance of his 15th year as president of the university. No cancellations here—perhaps because the local high-school band was a happier choice than the Baltimore Symphony Orchestra. The onetime "Necker"

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was now "Crisfield's Most Distinguished Citizen," and Crisfield stampeded its National Guard Armory to pay tribute to him as such.

It was a perfect week end. With the Crisfield Armory still vibrating from ovations, Curley boarded a plane for Lansing, Michigan, to see Maryland swamp Michigan State the next afternoon, 34-7.

But at College Park, tributes in the Crisfield fashion aren't favored.

The only honor Curley has permitted to be tendered him there was the bestowal of his name on the university's stadium, for which he procured the appropriation. The new Byrd Stadium, opened this fall, has a capacity of 50,000 that eventually can be expanded to 92,000. A post-season "President's Cup" football game, supported by President Truman, will be played there December 9th, with two of the nation's top teams facing each other.

Sunpapers Carry on the Feud

The most consistent feud with Byrd has been kept up by the Sunpapers, and one of the galling things the Sunpaper editors have had to face is Curley's ability to make converts out of reporters sent to expose Byrdism. Finally, in 1937, the editors hit upon the inspiration of sending perhaps the world's most charmproof newspaperman, H. L. Mencken, to do a series of 18 articles on the Byrd empire.

Mencken started off in fine form by referring to the university as a "majestic stream of culture as wide as the Amazon, with thousands of taxpayers rowing for their lives across its glittering bosom." But in the last two pieces, the old master crumbled. He said that Byrd had used none of [illegible] millions "for fripperies or doodads," and that "despite his reputation as a burglar of the State Treasury" he seemed to be running the university "with strict economy." Finally, he opined that Johns Hopkins University and some of the other Sun-sacred private institutions *might* be better off if they were correlated with the University of Maryland.

"The man to undertake and operate a rational amalgamation of all the colleges in the state is conveniently at hand," Mencken concluded. "He is the Dr. Byrd aforesaid. . . . He is . . . a first-rate manager, and is making an excellent executive for the University of Maryland.

"The thing to do with a man of such talents is not to cuss him for doing his job so well; it is much wiser, so long as hanging him is unlawful, to give him a bigger and better one."

The Sun's agony must have been great, but it is to the credit of this great newspaper that it printed the Mencken judgment on the archenemy.

Whatever *it* is Byrd may be after for himself, it doesn't seem to be money. He has turned down jobs at bigger salaries with other universities, has said no to some fabulous offers from businessmen, and insists he is not interested in any political office. "My job's here," he says. "I can think of nothing more important to the future than to help the kids of the state get an education."

The old quarterback in prexy's clothing apparently thinks a great deal about what people think of him. At the final interview in a series of talks on which this article is based, Dr. Byrd came up voluntarily with a sheet of paper on which he had typed some thoughts. The thoughts, he said, sort of summed up his philosophy. Here in his own words, is Curley's credo:

"The other evening at an *alumni* dinner, a member of the board of regents asked me this question, 'How do you take what you do? You seem able to stand all kinds of criticism, come back smiling, and never get flustered with the people who criticize.' My reply was this, 'Since Sunday-school days, I have remembered that verse in James in which are the words, "Who art thou that judgest another?" I have also remembered since I was in high school the definition of duty given by Lincoln in which he said, "I do the very best I can, and if the end brings me out all right, what is said against me won't amount to anything."'

"Also, I have an unshakable belief *in* an immutable law of justice that governs everything: namely, that no matter what may happen temporarily, right, in the long run, *will* survive and prevail. In this way, by adhering to these principles, people sometimes become aggravated because of what I do, but they never seem to get angry with me personally."

THE END

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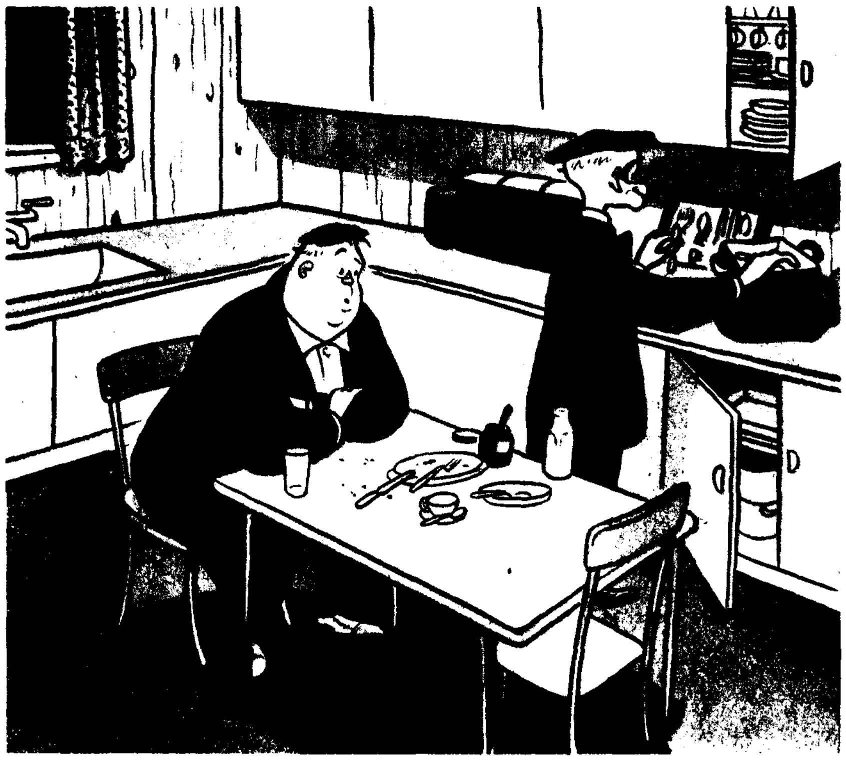

COLLIER'S "Now I wish somebody'd come down wit' a shotgun an' scare us away, an' then I wouldn't feel bad about leavin' th' dishes" LARRY REYNOLDS

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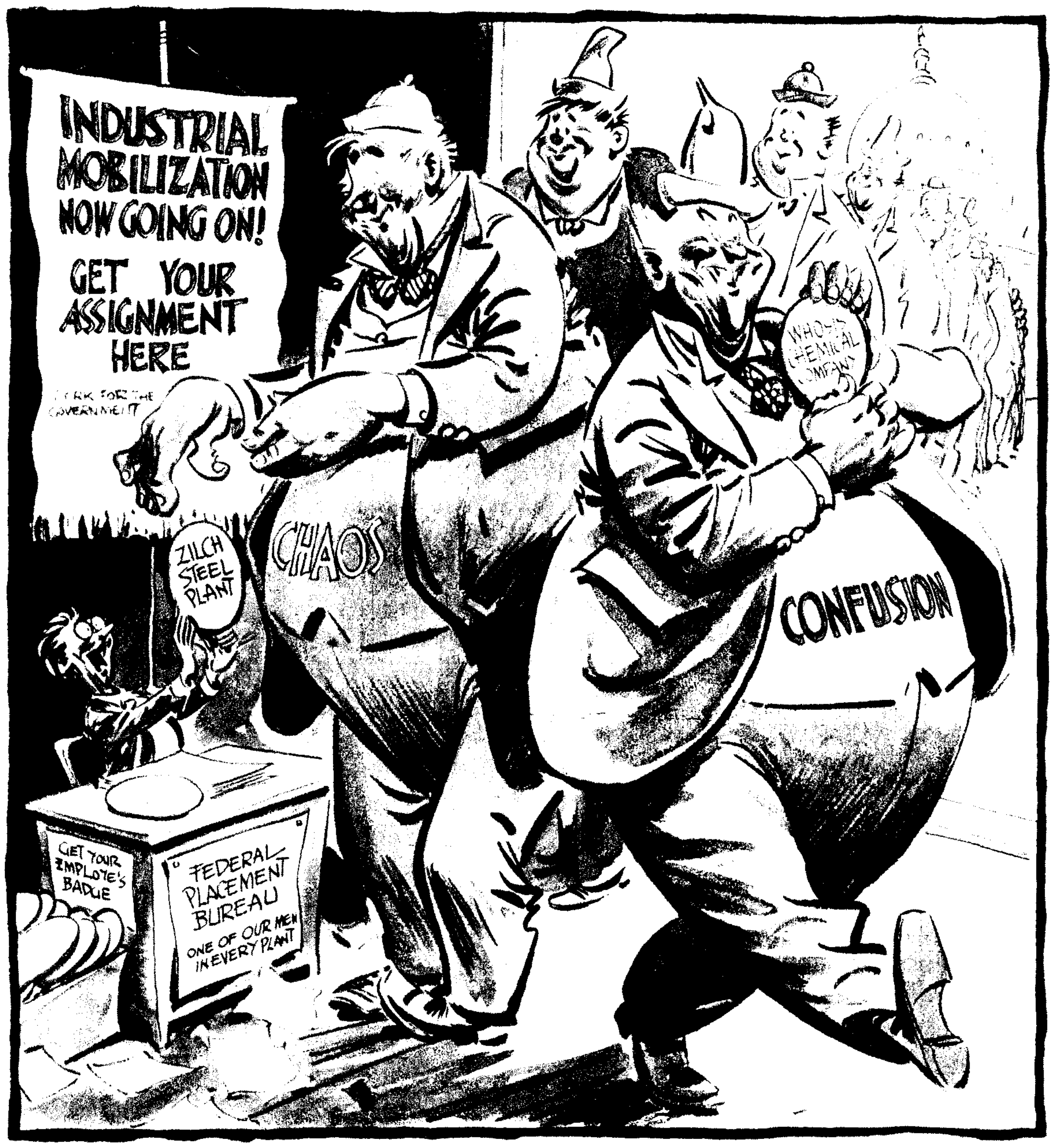

DORMAN H. SMITH

Why Hamstring Mobilization?

FOR THE FIRST TIME in its history the United States government is mobilizing for military defense in what essentially is a time of peace. It is mobilizing not only its man power, but the materials and resources of industry. That, of course, is a prudent application of the lesson of World War II, which proved that if this country had not been able to outproduce as well as outfight the Axis, there would have been no Allied victory.

The very bigness of American business was certainly a major factor of that victory. One of our steel companies was able to top the total output of all the enemy countries. Our automobile manufacturers could help meet American needs in vehicles, planes and other arms, and still send Russia the great fleet of trucks which speeded the Soviets' westward advance and thus hastened the destruction of the Nazi armies. The atomic bomb would not have been ready in 1945, for all the scientific brilliance that went into its construction, without the research and production facilities of many giant industries.

Yet today, when industry again is being recruited and regulated in the interest of the country's safety, the government's campaign to alter the structure of American economy goes on. The Du Pont Company and other firms with important defense assignments are tied up in uncertainty and litigation arising from Washington's efforts to take the big out of big business.

But the antibigness drive is only a part of it. Now, so help us, there also seems to be a campaign against smallness. At least that's all we can make of the Federal Trade Commission's attempt to abolish functional pricing.

Functional pricing is an old, familiar and, up to now, legal practice by which a supplier sells a product in large lots to a manufacturer for less than he sells the same product to a wholesaler or retailer. When it is sold to the manufacturer it is called "original equipment," a term which includes a great multitude of things, such as the buttons and thread on the suit you buy, the tires and tools that come with your new car, the laces and rubber heels on your new shoes, and so on.

The annual sales of original equipment in this country are counted in the billions of dollars. They are often, though not always, the result of competitive bidding. The supplier takes a small profit because of the volume of the sale, or he may sell at cost or even below if such an arrangement has compensating advantages. Now the FTC says this is in violation of the Clayton, Robinson-Patman and Federal Trade Commission Acts.

Let's take the case of the so-called Big Three of the spark plug business, who are current targets of the FTC. The companies are AC, Auto-Lite and Champion. The first is a wholly owned General Motors subsidiary, the second makes a number of products, while the third manufactures *nothing* but spark plugs. Champion, *in* comparison to our large corporations, is "small business." Its big customer is Ford. So what happens if Champion is forced to sell plugs to Ford at the same price that it sells replacement plugs for the retail market? The likeliest answer is that Ford will start making its own original and replacement plugs, and the forty-year-old Champion company will go out of business.

If functional pricing is abolished generally, what happens to hundreds of other, smaller, independent suppliers to the automotive industry, and to thousands of other businesses which make both original and replacement products? What happens to the wholesalers who depend on these products to maintain their own business? What happens to employment and to retail prices?

The answers, as we see them, don't flatter the consistency of action in an administration which often proclaims its devoted concern for small business and its determination to protect competition. *It seems to us that if the present FTC policies should be broadly applied, they would make big business even bigger by forcing large industries to manufacture all their original equipment themselves.*

As Supreme Court Justice Jackson said, in a functional-pricing case involving Standard Oil, "The whole philosophy of the Sherman Antitrust Act is to go out and compete, get business, fight for it. Now the whole philosophy we are asked to enforce here is that you . . . should let this business go and not meet competition."

In the same hearing, Justice Frankfurter said to an FTC attorney, "As I understand you, in the absence of cost differential, legally speaking there are no wholesalers or retailers. Those are irrelevant and false conclusions. That is your position, is it not?"

The attorney answered, "Yes. If the wholesaler gets a price as a wholesaler and causes, through that price (which was less than the retailer received) an injury to the competition at retail level, the statute prohibits it."

We can't say we understand the FTC philosophy thoroughly—though it sounds as if it were trying to protect competition by eliminating competition. But whatever the philosophy may be, it adds new contradiction to present chaos.

The chaos is largely the result of an administration attitude which tries to be all things to all voters. We can't remember that this has ever been successfully accomplished. And we can't see how the substitution of bureaucratic bookkeeping for the greatest industrial production and distribution system in the world will ultimately do anybody any good. It could be as hazardous, in the present emergency, as Britain's decision to socialize its steel industry at the beginning of a national rearmament program.

Collier's does not believe that "economic royalists" should control the country's business, and it is glad that they don't. But this magazine does believe that it is possible to repair and improve America's economic structure without tearing the structure down. And we do wish that the administration would stop hacking away at the foundation long enough to make up its mind what it really wants to do.

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